

English Translation of

**Sunan
Abu Dawud**

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Translation of

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Abu Dawud**

Compiled by:
**Imâm Hâfiz Abu Dawud
Sulaiman bin Ash'ath**

Volume 3

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the Most Gracious, the Most Merciful*

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*In the Name of Allāh,
the Merciful, the Beneficent*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

13. THE BOOK OF DIVORCE

(المعجم ١٣) - أَوَّلُ كِتَابِ الطَّلَاقِ
(التحفة ٧)

تَفْرِيعُ أَبْوَابِ الطَّلَاقِ

Chapter 1. Regarding Someone Who Ruins A Wife For Her Husband^[1]

2175. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "He who ruins a woman for her husband, or a slave for his master, is not of us." (*Hasan*)

(المعجم ١) بَابُ: فِيمَنْ خَبَبَ امْرَأَةً
عَلَى زَوْجِهَا (التحفة ١)

٢١٧٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ: حَدَّثَنَا عَمَارُ بْنُ رُزَيْقٍ عَنْ عَبْدِ اللَّهِ بْنِ عِيسَى، عَنْ عِكْرِمَةَ، عَنْ يَحْيَى بْنِ يَعْمَرٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَيْسَ مِنَّا مَنْ خَبَبَ امْرَأَةً عَلَى زَوْجِهَا أَوْ عَبْدًا عَلَى سَيِّدِهِ».

تخريج: [إسناده حسن] أخرجه أحمد: ٣٩٧/٢ والنسائي في الكبرى، ح: ٩٢١٤ من حديث عمار به وصححه ابن حبان، ح: ١٣١٩ والحاكم على شرط البخاري: ١٩٦/٢ ووافقه الذهبي.

Chapter 2. Regarding A Woman Who Asks Her Husband To Divorce Another Wife of His

2176. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Let not any woman ask for the divorce of her sister, so that she may empty her sister's plate. And let her marry, for she will get what

(المعجم ٢) بَابُ: فِي الْمَرْأَةِ تَسْأَلُ
زَوْجَهَا طَلَّاقَ امْرَأَةٍ لَهُ (التحفة ٢)

٢١٧٦ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ أَبِي الزُّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَسْأَلِ الْمَرْأَةُ طَلَّاقَ أُخْتِهَا لِتَسْتَفْرِغَ صَحْفَتَهَا وَلِتَتَكَحَّحَ فَإِنَّمَا

^[1] Meaning, ruins the reputation by false allegations.

is decreed for her.” (*Ṣaḥīh*)

لَهَا مَا قُدِّرَ لَهَا».

تخريج: أخرجه البخاري، القدر، باب: «وكان أمر الله قدرًا مقدرًا»، ح: ٦٦٠١ من حديث مالك به، وهو في الموطأ (يحيى): ٩٠٠/٢.

Chapter 3. Regarding The Abhorrence Of Divorce

(المعجم ٣) بَابُ: فِي كَرَاهِيَةِ الطَّلَاقِ (التحفة ٣)

2177. It was reported from Ma'rūf, from Muḥārib, that the Messenger of Allāh ﷺ said: “Allāh has not permitted anything that is more detestable to Him than divorce.” (*Ḥasan*)

٢١٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا مُعَرِّفٌ عَنْ مُحَارِبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا أَحَلَّ اللَّهُ شَيْئًا أَبْغَضَ إِلَيْهِ مِنَ الطَّلَاقِ».

تخريج: [حسن] أخرجه البيهقي: ٣٢٢/٧ من حديث أبي داود به وسنده ضعيف لإرساله وانظر الحديث الآتي.

2178. It was reported from Muḥārib bin Dithār, from Ibn 'Umar, that the Prophet ﷺ said: “The most detestable of all permitted matters to Allāh the Exalted is divorce.” (*Ḥasan*)

٢١٧٨ - حَدَّثَنَا كَثِيرُ بْنُ عُبَيْدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ عَنْ مُعَرِّفِ بْنِ وَاصِلٍ، عَنْ مُحَارِبِ بْنِ دِثَارٍ، عَنْ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ قَالَ: «أَبْغَضُ الْحَلَالِ إِلَى اللَّهِ عَزَّوَجَلَّ الطَّلَاقُ».

تخريج: [إسناده حسن] أخرجه البيهقي: ٣٢٢/٧ من حديث أبي داود وصححه الحاكم: ٢/١٩٦ ووافقه الذهبي على شرط مسلم ورواه ابن ماجه، ح: ٢٠١٨ من طريق آخر عن محارب بن دثار به.

Chapter 4. Regarding The Divorce According To The Sunnah

(المعجم ٤) بَابُ: فِي طَلَاقِ السُّنَّةِ (التحفة ٤)

2179. It was reported from Mālik, from Nāfi', from 'Abdullāh bin 'Umar that he divorced his wife while she was menstruating, during the time of the Messenger of Allāh ﷺ. 'Umar bin Al-Khaṭṭāb asked the Messenger of Allāh ﷺ regarding this, so the Messenger of Allāh ﷺ said: “Command him to

٢١٧٩ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ، فَسَأَلَ عُمَرُ بْنُ الْخَطَّابِ رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «مُرْهُ فَلْيُرَاجِعْهَا ثُمَّ لِيُتَسَكَّهَا حَتَّى تَطْهُرَ ثُمَّ

take her back, then keep her until she is pure and then menstruates, and then becomes pure (again). Then, if he desires, he may keep her after that, and if he desires, he may divorce her before touching her. And that is the waiting period that Allāh has commanded to divorce women in.” (*Sahih*)

تخريج: أخرجه البخاري، الطلاق، باب: وقول الله تعالى: ﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ...﴾ إلخ، ح: ٥٢٥١ ومسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها... إلخ، ح: ١٤٧١ من حديث مالك به وهو في الموطأ (يحيى): ٥٧٦/٢.

2180. It was reported from Al-Laith, from Nāfi' that Ibn 'Umar divorced one of his wives while she was menstruating with one divorce — narrating the same meaning as the narration of Mālik (no. 2179). (*Sahih*)

٢١٨٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ طَلَّقَ امْرَأَةً لَهُ وَهِيَ حَائِضٌ تَطْلِيقَةً بِمَعْنَى حَدِيثِ مَالِكٍ.

تخريج: أخرجه البخاري، الطلاق، باب: ﴿ويعولتهن أحق بردهن﴾ في العدة... إلخ، ح: ٥٣٣٢ ومسلم، انظر الحديث السابق، كلاهما عن قتيبة به.

2181. It was reported from Muḥammad bin 'Abdur-Raḥmān the freed slave of the family of Talḥah, from Sāilm, from Ibn 'Umar, that he divorced his wife while she was in her menses. 'Umar mentioned this to the Prophet ﷺ, who said: “Command him to take her back, and then divorce her after she is pure or pregnant.” (*Sahih*)

٢١٨١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ مَوْلَى آلِ طَلْحَةَ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ: أَنَّهُ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ فَذَكَرَ ذَلِكَ عُمَرُ لِلنَّبِيِّ ﷺ فَقَالَ: «مُرْهُ فَلْيُرَاجِعْهَا ثُمَّ لْيُطَلِّقْهَا إِذَا طَهَّرَتْ أَوْ وَهِيَ حَائِلٌ».

تخريج: أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها... إلخ، ح: ٥/١٤٧١ من حديث وكيع به.

2182. It was reported from Ibn Shihāb, that Sālim bin 'Abdullāh informed him, from his father (Ibn 'Umar), that he divorced his wife

٢١٨٢ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْسَةُ: حَدَّثَنَا يُونُسُ عَنْ ابْنِ شِهَابٍ: أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ عَنْ أَبِيهِ: أَنَّهُ طَلَّقَ

while she was in her menses. ‘Umar mentioned this to the Messenger of Allāh ﷺ, and he ﷺ became very angry with that. He then said: “Command him to take her back, then, let him keep her until she becomes pure, then has her menses, then becomes pure (again). Then, if he wishes, he can divorce her while she is in her state of purity and before he touches her. And that is the divorce in the proper waiting period that Allāh the Exalted has commanded.”

(*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، الأحكام، باب: هل يقضي القاضي أو يقضي وهو غضبان؟، ح: ٧١٦٠ من حديث يونس بن يزيد ومسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها، ح: ٤/١٤٧١ من حديث ابن شهاب الزهري به.

2183. It was reported from Ayyūb, from Ibn Sīrīn that Yūnus bin Jubiar informed him that he asked Ibn ‘Umar: “How many times did you divorce your wife?” He replied: “Once.” (*Ṣaḥīḥ*)

٢١٨٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ أَيُّوبَ، عَنْ ابْنِ سِيرِينَ: أَخْبَرَنِي يُونُسُ بْنُ جُبَيْرٍ: أَنَّهُ سَأَلَ ابْنَ عُمَرَ فَقَالَ: كَمْ طَلَّقْتَ امْرَأَتَكَ؟ فَقَالَ: وَاحِدَةً.

تخریج: [إسناده صحيح] أخرجه مسلم، الطلاق، باب تحريم طلاق الحائض بغير رضاها ... إلخ، ح: ٧/١٤٧١ من حديث أيوب السخيتاني به وهو في مصنف عبد الرزاق، ح: ١٠٩٥٩ بطوله، ورواه البخاري انظر الحديث الآتي.

Comments:

1. These *Aḥādīth* are related to the meaning of the first Verse of the *Sūrat At-Ṭalāq*: Divorce them during their (legal waiting) period (65:1), that is, divorce them during the time they are in a state of purity, provided no intercourse takes place during this time.
2. Divorcing a woman during the period of her menstruation is contrary to *Sunnah*. However, if one divorces one's wife during those days, the majority of scholars consider it a valid divorce.
3. If a woman has been divorced during her period of menses, that divorce shall be considered as one divorce, and the husband shall be told to retract. The right to retract rests with the husband, not with the legal guardian.

2184. It was reported from Yazīd bin Ibrāhīm, from Muḥammad bin Sīrīn, that Yūnus bin Jubair narrated to him: "I asked 'Abdullāh bin 'Umar regarding a man who divorces his wife while she was in her menses. He said: 'Do you know Ibn 'Umar?' I replied: 'Yes.' He said: "'Abdullāh bin 'Umar divorced his wife while she was in her menses, so 'Umar went to the Prophet ﷺ and asked him about that. He replied: "Command him to take her back, then, divorce her at the beginning of her waiting period." I said: "So should that (divorce) be counted?" He replied: 'And what else? Do you suppose he was incapable and acted like a fool?'" (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الطلاق، باب مراجعة الحائض، ح: ٥٣٣٣ من حديث يزيد بن إبراهيم به ورواه مسلم، انظر الحديث السابق.

2185. It was reported from Abū Az-Zubair that he heard 'Abdur-Raḥmān bin Ayman, the freed slave of 'Urwah, asking Ibn 'Umar — while Abū Az-Zubair was listening: "What is your opinion regarding a man who divorced his wife while she was in her menses?" He replied: "'Abdullāh bin 'Umar divorced his wife while she was in her menses during the life of the Messenger of Allāh ﷺ. So 'Umar asked the Messenger of Allāh ﷺ and said: "'Abdullāh bin 'Umar divorced his wife while she was menstruating.'" 'Abdullāh (Ibn 'Umar) said: "So he (ﷺ) returned her to me, and did not consider it to be anything. And he said: 'Once

٢١٨٤ - حَدَّثَنَا الْقَعْنَبِيُّ: حَدَّثَنَا يَزِيدُ بْنُ إِبْرَاهِيمَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ: حَدَّثَنِي يُونُسُ ابْنُ جُبَيْرٍ قَالَ: سَأَلْتُ عَبْدَ اللَّهِ بْنَ عُمَرَ قَالَ: قُلْتُ: رَجُلٌ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ قَالَ: تَعْرِفُ ابْنَ عُمَرَ؟ قُلْتُ: نَعَمْ. قَالَ: فَإِنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ، فَأَتَى عُمَرَ النَّبِيَّ ﷺ فَسَأَلَهُ فَقَالَ: «مَرُّهُ فَلْيُرَاجِعْهَا ثُمَّ يُطَلِّقْهَا فِي قُبُلِ عِدَّتِهَا». قَالَ: قُلْتُ: فَيَعْتَدُ بِهَا؟ قَالَ: فَمَهْ أَرَأَيْتَ إِنْ عَجَزَ وَاسْتَحَقَّ؟!

٢١٨٥ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ عَبْدَ الرَّحْمَنِ بْنَ أَيْمَنَ مَوْلَى عُرْوَةَ يَسْأَلُ ابْنَ عُمَرَ - وَأَبُو الزُّبَيْرِ يَسْمَعُ - قَالَ: كَيْفَ تَرَى فِي رَجُلٍ طَلَّقَ امْرَأَتَهُ حَائِضًا؟ قَالَ: طَلَّقَ عَبْدُ اللَّهِ بْنُ عُمَرَ امْرَأَتَهُ وَهِيَ حَائِضٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَسَأَلَ عُمَرَ رَسُولَ اللَّهِ ﷺ فَقَالَ: إِنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ طَلَّقَ امْرَأَتَهُ وَهِيَ حَائِضٌ قَالَ عَبْدُ اللَّهِ: فَرَدَّهَا عَلَيَّ وَلَمْ يَرَهَا شَيْئًا، وَقَالَ: إِذَا طَهَّرْتَ فَلْيُطَلِّقْ أَوْ لِيُْمْسِكْ. قَالَ ابْنُ عُمَرَ: وَفَرَأَ النَّبِيُّ ﷺ: (يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمْ

she is pure, let him divorce her, or let him keep her.” Ibn ‘Umar added: “And the Prophet ﷺ recited: O Prophet, if you divorce women, then divorce them at the beginning of their waiting periods.^[1]” (*Ṣaḥīḥ*)

Abū Dāwūd said: This *Ḥadīth* was reported from Ibn ‘Umar by Yūnus bin Jubair, Anas bin Sirīn, Sa‘eed bin Jubair Zaid bin Aslam, Abū Az-Zubair, and Mansūr who reported it from Abū Wā’il, and with all of them is the meaning that the Prophet ﷺ commanded him to take her back until she became pure, then, if he desired, he should divorce her, or if he desired, he should keep her.

Abū Dāwūd said: And this is how Muḥammad bin ‘Abdur-Raḥmān reported it from Sālim, from Ibn ‘Umar. As for the narration of Az-Zuhri from Sālim, and that of Nāfi’ from Ibn ‘Umar, (its meaning is) that the Prophet ﷺ commanded him to take her back until she became pure, and then menstruated, and then became pure, and then if he wished, he could divorce her or keep her.

Abū Dāwūd said: And it has been related from ‘Aṭā’ Al-Khurāsānī, from Al-Ḥasan, from Ibn ‘Umar, similar to the narration of Nāfi’ and Az-Zuhri, and all of these narrations contradict what Abū Az-Zubair said.

تخريج: أخرجه مسلم من حديث عبدالرزاق به وانظر، ح: ٢١٨٣ وقوله: "ولم يرها شيئاً"

النِّسَاءَ فَطَلَّقُوهُنَّ فِي قُبُلِي عِدَّتِهِنَّ).

قَالَ أَبُو دَاوُدَ: رَوَى هَذَا الْحَدِيثَ عَنْ ابْنِ عُمَرَ يُونُسُ بْنُ جُبَيْرٍ وَأَنَسُ بْنُ سِيرِينَ وَسَعِيدُ بْنُ جُبَيْرٍ وَزَيْدُ بْنُ أَسْلَمَ وَأَبُو الزُّبَيْرِ وَمَنْصُورٌ عَنْ أَبِي وَائِلٍ مَعْنَاهُمْ كُلُّهُمْ: أَنَّ النَّبِيَّ ﷺ أَمَرَهُ أَنْ يُرَاجِعَهَا حَتَّى تَطْهَرَ ثُمَّ إِنْ شَاءَ طَلَّقَ وَإِنْ شَاءَ أَمْسَكَ.

قَالَ أَبُو دَاوُدَ: وَكَذَلِكَ رَوَاهُ مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ، وَأَمَّا رِوَايَةُ الزُّهْرِيِّ عَنْ سَالِمٍ، وَنَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ أَمَرَهُ أَنْ يُرَاجِعَهَا حَتَّى تَطْهَرَ ثُمَّ تَحِيضَ ثُمَّ تَطْهَرَ ثُمَّ إِنْ شَاءَ طَلَّقَ أَوْ أَمْسَكَ.

قَالَ أَبُو دَاوُدَ: وَرَوَى عَنْ عَطَاءِ الْخُرَّاسَانِيِّ، عَنِ الْحَسَنِ، عَنِ ابْنِ عُمَرَ نَحْوُ رِوَايَةِ نَافِعٍ وَالزُّهْرِيِّ وَالْأَحَادِيثُ كُلُّهَا عَلَى خِلَافٍ مَا قَالَ أَبُو الزُّبَيْرِ.

[1] *At-Talāq* 65:1.

يعنى لم يرها شيئاً مستقيماً لكونها لم تقع على السنة، قاله ابن عبدالبر (فتح الباري: ٣٥٤/٩).

Chapter 5. A Man Takes His Wife Back Without Any Witnesses

(المعجم ٥) - بَابُ الرَّجُلِ يُرَاجِعُ وَلَا يُشْهَدُ (التحفة ٥)

2186. 'Imrān bin Ḥuṣain was asked about a person who divorces his wife, and then engages (in intercourse) with her, without any witnesses of the divorce or of taking her back. He replied: "You have divorced contrary to the *Sunnah*, and you have taken her back contrary to the *Sunnah*. Have her divorce and your taking her back witnessed, and don't repeat this." (*Hasan*)

٢١٨٦ - حَدَّثَنَا بِشْرُ بْنُ هَلَالٍ: أَنَّ جَعْفَرَ ابْنَ سُلَيْمَانَ حَدَّثَهُمْ عَنْ يَزِيدِ الرُّشَكِ، عَنْ مُطَرِّفِ بْنِ عَبْدِ اللَّهِ: أَنَّ عُمَرَ بْنَ حُصَيْنٍ سَأَلَ عَنِ الرَّجُلِ يُطَلِّقُ امْرَأَتَهُ ثُمَّ يَقَعُ بِهَا وَلَمْ يُشْهَدْ عَلَى طَلَاقِهَا وَلَا عَلَى رَجْعِهَا فَقَالَ: طَلَّقْتَ لِغَيْرِ سُنَّةٍ وَرَاجَعْتَ لِغَيْرِ سُنَّةٍ، أَشْهَدْ عَلَى طَلَاقِهَا وَعَلَى رَجْعِهَا وَلَا تَعُدُّ.

تخريج: [إسناده حسن] أخرجه ابن ماجه، الطلاق، باب الرجعة، ح: ٢٠٢٥ عن بشر بن هلال به، وقال ابن الملقن في "تحفة المحتاج"، ح: ١٤٨٨: "بإسناد جيد".

Comments:

If he decides to return to his wife, it is recommended to have two witnesses informed of that.

Chapter 6. Regarding The *Sunnah* For Divorcing Slaves

(المعجم ٦) بَابُ: فِي سُنَّةِ طَلَاقِ الْعَبْدِ (التحفة ٦)

2187. Abū Hasan, a freed-slave from Banū Nawfal, informed that he asked Ibn 'Abbās regarding a slave who was married to a slave-girl but had divorced her twice; they were then both freed, so is it allowed for him to propose to her? He replied: "Yes, this is what the Messenger of Allāh ﷺ decreed." (*Da'if*)

٢١٨٧ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ: حَدَّثَنَا عَلِيُّ بْنُ الْمُبَارَكِ: حَدَّثَنِي يَحْيَى بْنُ أَبِي كَثِيرٍ أَنَّ عُمَرَ ابْنَ مُعْتَبَرٍ أَخْبَرَهُ أَنَّ أَبَا حَسَنِ مَوْلَى بَنِي نَوْفَلٍ أَخْبَرَهُ أَنَّهُ اسْتَفْتَى ابْنَ عَبَّاسٍ فِي مَمْلُوكٍ كَانَتْ تَحْتَهُ مَمْلُوكَةٌ فَطَلَّقَهَا تَطْلِيقَتَيْنِ ثُمَّ عَتَقَا بَعْدَ ذَلِكَ هَلْ يَصْلُحُ لَهُ أَنْ يَخْطُبَهَا؟ قَالَ: نَعَمْ قَضَى بِذَلِكَ رَسُولُ اللَّهِ ﷺ.

تخريج: [إسناده ضعيف] أخرجه النسائي، الطلاق، باب طلاق العبد، ح: ٣٤٥٧ من حديث يحيى بن سعيد القطان به ورواه ابن ماجه، ح: ٢٠٨٢ من حديث يحيى بن أبي كثير به * عمر بن معتب: ضعيف.

2188. (Another chain) with its meaning (similar to no. 2187), without saying: “informed.” Ibn ‘Abbās said: “One (option of divorce) remains for you. The Messenger of Allāh decreed accordingly.” (*Ḍaʿīf*)

Abū Dāwud said: I heard Aḥmad bin Ḥanbal say: “‘Abdur-Razzāq said: ‘Ibn Al-Mubārak said to Ma‘mar: “Who is this Abū Al-Ḥasan? He has indeed taken a great responsibility!”

Abū Dāwud said: Az-Zuhrī reports from this Abū Al-Ḥasan. Az-Zuhrī said: “He was one of the *Fuqahā*.” Az-Zuhrī reports a number of narrations from Abū Al-Ḥasan.

Abū Dāwud said: (Though this) Abū Al-Ḥasan is well known, but this narration is not acted upon.

2189. It was reported from Muẓāhir, from Al-Qāsim bin Muḥammad, from ‘Āishah, that the Prophet ﷺ said: “The divorce of a slave-woman is two (times), and her (waiting period) is two cycles.” (*Ḍaʿīf*)

Abū ‘Āṣim (one of the narrators) said: “Muẓāhir narrated to me: ‘Al-Qāsim narrated to me from ‘Āishah, from the Prophet ﷺ.” similarly, except that he said: “And her waiting period is two (menstruation) cycles.”

Abū Dāwud said: It is an unknown narration. (Abū Dāwud said: Neither of these two *Ḥadīths* are acted upon.)

٢١٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ: أَخْبَرَنَا عَلِيُّ بْنُ إِسْحَادِهِ وَمَعْنَاهُ بِأَلَا إِخْبَارٍ.

قال ابن عباس: بَقِيَتْ لَكَ وَاحِدَةٌ قَضَى بِهِ رَسُولُ اللَّهِ ﷺ.

قال أبو داود: سَمِعْتُ أَحْمَدَ بْنَ حَنْبَلٍ قَالَ: قال عَبْدُ الرَّزَّاقِ: قال ابن المُبَارَكِ لِمَعْمَرٍ: مَنْ أَبُو الْحَسَنِ هَذَا؟ لَقَدْ تَحَمَّلَ صَخْرَةً عَظِيمَةً.

قال أبو داود: أَبُو الْحَسَنِ هَذَا رَوَى عَنْهُ الزُّهْرِيُّ.

قال الزُّهْرِيُّ: وَكَانَ مِنَ الْفُقَهَاءِ رَوَى الزُّهْرِيُّ عَنْ أَبِي الْحَسَنِ أَحَادِيثَ.

قال أبو داود: أَبُو الْحَسَنِ مَعْرُوفٌ وَلَيْسَ الْعَمَلُ عَلَى هَذَا الْحَدِيثِ.

تخريج: [ضعيف] انظر الحديث السابق.

٢١٨٩ - حَدَّثَنَا مُحَمَّدُ بْنُ مَسْعُودٍ: حَدَّثَنَا أَبُو عَاصِمٍ عَنْ ابْنِ جُرَيْجٍ، عَنْ مُطَاهِرٍ، عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «طَلَاؤُ الْأَمَةِ تَطْلِقَتَانِ [وَقُرُوءُهَا] حَيْضَتَانِ».

قال أبو عاصم: حَدَّثَنِي مُطَاهِرٌ: حَدَّثَنِي الْقَاسِمُ عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ مِثْلَهُ إِلَّا أَنَّهُ قَالَ: «وَعِدَّتُهَا حَيْضَتَانِ».

قال أبو داود: هُوَ حَدِيثٌ مَجْهُولٌ. [قال أبو داود: الْحَدِيثَانِ جَمِيعًا لَيْسَ الْعَمَلُ عَلَيْهِمَا]

قال أبو داود: مُطَاهِرٌ لَيْسَ بِمَعْرُوفٍ.

Abū Dāwud said: Muḏāhir is not well known.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الطلاق، باب ما جاء أن طلاق الأمة تطليقتان، ح: ١١٨٢ وابن ماجه، ح: ٢٠٨٠ من حديث أبي عاصم به وقال الترمذي: "غريب" * مظاهر بن أسلم: ضعيف.

Chapter 7. Regarding A Divorce Before The Marriage

(المعجم ٧) بَابُ: فِي الطَّلَاقِ قَبْلَ النِّكَاحِ (التحفة ٧)

2190. It was reported from ‘Amr bin Shu’aib, from his father, from his grandfather, that the Prophet ﷺ said: “There is no divorce except with (someone) in your possession, and there is no freeing (of a slave) except someone you own, and there is no transaction except with something that you own.”

Ibn Aṣ-Ṣabbāḥ (one of the narrators) added: “And there is no fulfilling of a vow except with what you own.” (*Hasan*)

٢١٩٠ - حَدَّثَنَا مُسْلِمٌ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ، ح: وَحَدَّثَنَا ابْنُ الصَّبَّاحِ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ الصَّمَدِ قَالَ: أَخْبَرَنَا مَطَرُ الْوَرَّاقُ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا طَلَاقَ إِلَّا فِيمَا تَمْلِكُ، وَلَا عِتْقَ إِلَّا فِيمَا تَمْلِكُ، وَلَا بَيْعَ إِلَّا فِيمَا تَمْلِكُ».

زَادَ ابْنُ الصَّبَّاحِ: «وَلَا وَفَاءَ نَذْرٍ إِلَّا فِيمَا تَمْلِكُ».

تخريج: [إسناده حسن] أخرجه النسائي، البيهقي، باب بيع ما ليس عند البائع، ح: ٤٦١٦ من حديث مطر الوراق به، ورواه ابن ماجه، ح: ٢٠٤٧، والترمذي، ح: ١١٨١ وقال: "حسن صحيح" وصححه ابن الملقن في "تحفة المحتاج"، ح: ١١٨٤، والذهبي في تلخيص المستدرک: ٢/٢٠٤، ٢٠٥.

2191. (Another chain) from ‘Amr bin Shu’aib, with his chain and its meaning (similar to no. 2190), and he added: “And whoever took an oath to do (an act of) disobedience, then there is no swearing (*Yamīn*) upon him, and whoever took an oath to sever the ties of the womb (kinship) then there is no swearing (*Yamīn*) upon him.”^[1] (*Hasan*)

٢١٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: أَخْبَرَنَا أَبُو أُسَامَةَ عَنْ الْوَلِيدِ بْنِ كَثِيرٍ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ الْحَارِثِ عَنْ عَمْرِو بْنِ شُعَيْبٍ بِإِسْنَادِهِ وَمَعْنَاهُ زَادَ: «وَمَنْ حَلَفَ عَلَى مَعْصِيَةٍ فَلَا يَمِينُ لَهُ، وَمَنْ حَلَفَ عَلَى قَطِيعَةٍ رَحِمَ فَلَا يَمِينُ لَهُ».

تخريج: [حسن] انظر الحديث السابق.

[1] “No swearing (*Yamīn*)” meaning either, he may not do what he swore to do, but he must atone for that, or, he is not considered one who swore, that is, the oath does not count, and he need not atone for it. See nos. 3272-3274.

2192. (Another chain) from ‘Amr bin Shu’aib, from his father, from his grandfather that the Prophet ﷺ said — for this narration (similar to no. 2190) — he added: “And there is no vow except for what is done seeking the Face of Allāh, Most High.” (*Hasan*)

٢١٩٢ - حَدَّثَنَا ابْنُ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ سَالِمٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ الْمَخْزُومِيِّ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ قَالَ - فِي هَذَا الْخَبَرِ زَادَ - : «وَلَا نَذَرَ إِلَّا فِيمَا ابْتُغِيَ بِهِ وَجْهُ اللَّهِ تَعَالَى ذِكْرُهُ» .
تخريج: [حسن] انظر الحديثين السابقين.

Chapter 8. Regarding Divorcing By Mistake

2193. ‘Āishah narrated that the Messenger of Allāh ﷺ said: “There is no divorce, nor freeing (of a slave) in the state of *Ighlāq*.” (*Hasan*)

Abū Dāwud said: I think that *Ghlāq* is anger.

(المعجم ٨) بَابُ: فِي الطَّلَاقِ عَلَى غَلَطٍ (التحفة ٨)

٢١٩٣ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ سَعْدِ الزُّهْرِيُّ أَنَّ يَعْقُوبَ بْنَ إِبْرَاهِيمَ حَدَّثَهُمْ: حَدَّثَنَا أَبِي عَنْ ابْنِ إِسْحَاقَ، عَنْ ثَوْرٍ بْنِ يَزِيدَ الْجَنْصِيِّ، عَنْ مُحَمَّدٍ بْنِ عُبَيْدٍ بْنِ أَبِي صَالِحٍ الَّذِي كَانَ يَسْكُنُ إِيْلِيَا قَالَ: «حَرَجْتُ مَعَ عَدِيٍّ بْنِ عَدِيٍّ الْكِنْدِيِّ حَتَّى قَدِمْنَا مَكَّةَ فَبَعَثَنِي إِلَى صَفِيَّةَ بِنْتِ شَيْبَةَ وَكَانَتْ قَدْ حَفِظْتُ مِنْ عَائِشَةَ قَالَتْ: سَمِعْتُ عَائِشَةَ تَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا طَلَاقَ وَلَا عِتَاقَ فِي إِغْلَاقٍ» .
قَالَ أَبُو دَاوُدَ: الْإِغْلَاقُ أَظْنُهُ فِي الْغَضَبِ .

تخريج: [حسن] أخرجه أحمد: ٢٧٦/٦ من حديث إبراهيم بن سعد به وسنده ضعيف وصححه الحاكم على شرط مسلم: ١٩٨/٢ فتعقبه الذهبي وللحديث شواهد كثيرة عند الحاكم وغيره، ورواه ابن ماجه، ح: ٢٠٤٦ من طريق آخر عن صفية به.

Comments:

Ighlāq, means; “closed”. In the matter of divorce, it means “a deranged state of mind.” It may be due to drunkenness, a fit of demonic possession, or an uncontrollable fit of rage.

Chapter 9. Regarding A Divorce That Was Said In Jest

2194. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: "Three things, when done in earnest are counted as earnest, and when done in jest, are also counted as earnest: Marriage, divorce, and taking (a divorcee) back." (*Hasan*)

تخريج: [إسناده حسن] أخرجه الترمذي، الطلاق واللعان، باب ما جاء في الجدة والهزل في الطلاق، ح: ١١٨٤ وابن ماجه، ح: ٢٠٣٩ من حديث عبدالرحمن بن حبيب به وصححه الحاكم ١٩٨/٢ وقال الترمذي: "حسن غريب" وللحديث شواهد راجع التلخيص الحبير: ٢١٠/٣.

Chapter 9,10. The Abrogation Of Taking Back A Wife After The Third Divorce

2195. It was reported from 'Alī bin Ḥusain bin Wāqid, from his father, from Yazīd An-Naḥwī, from 'Ikrimah, from Ibn 'Abbās, that he recited (the Verse): "And divorced women shall wait regarding themselves for three menstrual periods. And it is not lawful for them to conceal what Allāh has created in their wombs"^[1] and said: "This was because a person who had divorced his wife was entitled to take her back, even if he had divorced her three times. But then that was abrogated, and (Allāh) said: Divorce is two times."^[2] (*Hasan*)

(المعجم ٩) بَابُ: فِي الطَّلَاقِ عَلَى الْهَزْلِ (التحفة ٩)

٢١٩٤ - حَدَّثَنَا الْقُعْنَبِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي ابْنَ مُحَمَّدٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَبِيبٍ، عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ، عَنْ ابْنِ مَاهَكَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «ثَلَاثٌ جِدُّهُنَّ جِدٌّ وَهَزْلُهُنَّ جِدٌّ: النِّكَاحُ وَالطَّلَاقُ وَالرَّجْعَةُ».

(المعجم ١٠، ٩) - بَابُ نَسْخِ الْمَرَاَجَعَةِ بَعْدَ التَّطْلِيقَاتِ الثَّلَاثِ (التحفة ١٠)

٢١٩٥ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَوْزِيُّ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنٍ بْنُ وَاقِدٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: «وَالطَّلَاقُ يَرْجِعُ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ وَلَا يَحِلُّ لَهُنَّ أَنْ يَكْتُمْنَ مَا خَلَقَ اللَّهُ فِي أَرْحَامِهِنَّ» الآية. وَذَلِكَ أَنَّ الرَّجُلَ كَانَ إِذَا طَلَّقَ امْرَأَتَهُ فَهُوَ أَحَقُّ بِرَجْعَتِهَا، وَإِنْ طَلَّقَهَا ثَلَاثًا. فَنَسَخَ ذَلِكَ فَقَالَ: «الطَّلَاقُ مَرَّتَيْنِ» الآية [البقرة: ٢٢٩].

[1] Al-Baqarah 2:228.

[2] Al-Baqarah 2:229.

تخريج: [إسناده حسن] أخرجه النسائي، الطلاق، باب نسخ المراجعة بعد التطليقات الثلاث، ح: ٣٥٨٤ من حديث علي بن حسين به.

2196. It was reported from Ibn Juraij that one of the sons of Abū Rāfi‘, the freed slave of the Prophet ﷺ, informed him from ‘Ikrimah, the freed slave of Ibn ‘Abbās, from Ibn ‘Abbās, that he said: “Abd Yazīd, the father of Rukānah, and his brothers, divorced Umm Rukānah, and married a woman from Muzainah. She (the woman from Muzainah) came to the Prophet ﷺ and said: ‘He is as useful to me as this hair,’ and plucked a hair from her head: ‘So separate us from each other.’ The Prophet ﷺ became angry at that, so he called for Rukānah and his brothers, and asked those who were seated with him: ‘Do you see that so-and-so resembles Abd Yazīd in this way, and this one resembles him in that way?’ They said: ‘Yes.’ So the Prophet ﷺ said to Abd Yazīd: ‘Divorce her,’ and he did so. Then he said: ‘Take back your wife, the mother of Rukānah and his brothers.’ He said: ‘I divorced her three times, O Messenger of Allāh!’ He replied, ‘I know. Take her back,’ and then recited: O Prophet! If you divorce women, then divorce them at their prescribed times...”^[1] (*Da‘īf*)

Abū Dāwud said: the *Ḥadīth* of Nāfi‘ bin ‘Ujair and ‘Abdullāh bin ‘Alī bin Yazīd bin Rukānah, from

٢١٩٦ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي بَعْضُ بَنِي أَبِي رَافِعٍ مَوْلَى النَّبِيِّ ﷺ عَنْ عِكْرِمَةَ مَوْلَى ابْنِ عَبَّاسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: طَلَّقَ عَبْدُ يَزِيدَ - أَبُو رُكَانَةَ وَإِخْوَتُهُ - أُمَّ رُكَانَةَ وَنَكَحَ امْرَأَةً مِنْ مَرْيَتِهِ، فَجَاءَتِ النَّبِيَّ ﷺ فَقَالَتْ: مَا يُعْنِي عَنِّي إِلَّا كَمَا تُعْنِي هَذِهِ الشَّعْرَةُ لِشَعْرَةٍ أَخَذْتُهَا مِنْ رَأْسِهَا فَفَرَّقَ بَيْنِي وَبَيْنَهُ، فَأَخَذَتِ النَّبِيَّ ﷺ حِمِيَّةً فَدَعَا بِرُكَانَةَ وَإِخْوَتِهِ ثُمَّ قَالَ لِحُجُلَسَائِهِ: «أَتُرَوْنَ فُلَانًا يُشَبِّهُ مِنْهُ كَذَا وَكَذَا» مِنْ عَبْدِ يَزِيدَ، «وَفُلَانًا يُشَبِّهُ مِنْهُ كَذَا وَكَذَا؟» قَالُوا: نَعَمْ، قَالَ النَّبِيُّ ﷺ لِعَبْدِ يَزِيدَ: «طَلَّقْهَا»، فَفَعَلَ، قَالَ: «رَاجِعْ امْرَأَتَكَ أُمَّ رُكَانَةَ وَإِخْوَتَهُ» فَقَالَ: إِنِّي طَلَقْتُهَا ثَلَاثًا يَا رَسُولَ اللَّهِ! قَالَ: «قَدْ عَلِمْتُ رَاجِعُهَا» وَتَلَا ﴿يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلَّقُوهُنَّ لِعَدَّتِهِنَّ﴾ [الطلاق: ١].

قَالَ أَبُو دَاوُدَ: وَحَدَّثَ نَافِعُ بْنُ عَجَّيْرٍ وَعَبْدُ اللَّهِ بْنُ عَلِيٍّ بْنُ يَزِيدَ بْنِ رُكَانَةَ عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ رُكَانَةَ طَلَّقَ امْرَأَتَهُ الْبَتَّةَ فَرَدَّهَا إِلَيْهِ النَّبِيُّ ﷺ: أَصَحُّ، لَا تَنْهَمُ وَلَدُ الرَّجُلِ وَأَهْلُهُ أَعْلَمُ بِهِ إِنَّ رُكَانَةَ إِنَّمَا طَلَّقَ امْرَأَتَهُ الْبَتَّةَ فَجَعَلَهَا النَّبِيُّ ﷺ وَاحِدَةً.

^[1] *At-Talāq* 65:1.

his father, from his grand father — that Rukānah divorced his wife irrevocably (*Al-Battah*), and the Prophet ﷺ returned her to him^[1] — it is more correct, because the son and family of a man are more knowledgeable of him. So Rukānah only divorced his wife with an irrevocable divorce and the Prophet ﷺ counted it as one.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٣٩/٧ من حديث أبي داود به وهو في مصنف عبدالرزاق، ح: ٣٣٤ * بعض بني رافع: مجهول.

2197. It was reported from ‘Abdullāh bin Kathīr, from Mujāhid who said: “I was with Ibn ‘Abbās, when a man came to him and said that he had divorced his wife three times. Ibn ‘Abbās remained quiet, until I thought that he would return her to him. Then he said: ‘One of you goes and commits a foolish act, and then cries out, “O Ibn ‘Abbās! O Ibn ‘Abbās!” even though Allāh says: And whoever has *Taqwā* of Allāh, Allāh will make a way out for him.^[2] So you did not have *Taqwā* of Allāh, and I do not find any way out for you. You have disobeyed your Lord, and your wife has become completely separated from you. And Allāh has said: O Prophet! If you divorce your wives, then divorce them^[3] — at the beginning of their prescribed times” (*Sahīh*)

٢١٩٧ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا إِسْمَاعِيلُ: أَخْبَرَنَا أَيُّوبُ عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ، عَنْ مُجَاهِدٍ قَالَ: كُنْتُ عِنْدَ ابْنِ عَبَّاسٍ فَجَاءَهُ رَجُلٌ فَقَالَ: إِنَّهُ طَلَّقَ امْرَأَتَهُ ثَلَاثًا، قَالَ: فَسَكَتَ حَتَّى ظَنَنْتُ أَنَّهُ رَادُّهَا إِلَيْهِ، ثُمَّ قَالَ: يَنْطَلِقُ أَحَدُكُمْ فَيَرْكَبُ الْحُمُوقَةَ ثُمَّ يَقُولُ: يَا ابْنَ عَبَّاسٍ! يَا ابْنَ عَبَّاسٍ! وَإِنَّ اللَّهَ قَالَ: ﴿وَمَنْ يَتَّقِ اللَّهَ يَجْعَلْ لَهُ مَخْرَجًا﴾ [الطلاق: ٢] وَإِنَّكَ لَمْ تَتَّقِ اللَّهَ فَلَا أَجِدُ لَكَ مَخْرَجًا، عَصَيْتَ رَبَّكَ وَبَانَتْ مِنْكَ امْرَأَتُكَ، وَإِنَّ اللَّهَ قَالَ: (يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلَّقُوهُنَّ فِي قُبُلِ عِدَّتِهِنَّ).

قَالَ أَبُو دَاوُدَ: رَوَى هَذَا الْحَدِيثَ حُمَيْدُ الْأَعْرَجُ وَغَيْرُهُ عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ. وَرَوَاهُ شُعْبَةُ عَنْ عَمْرِو بْنِ مَرْثَةَ، عَنْ سَعِيدِ بْنِ

^[1] He is referring to no. 2206.

^[2] *At-Talāq* 65:2.

^[3] *At-Talāq* 65:1.

Abū Dāwud said: This *Hadīth* was reported by Ḥumaid Al-A'raj and others, from Mujāhid, from Ibn 'Abbās. And *Shu'bah* reported it from 'Amr bin Murrah, from Sa'eed bin Jubair, from Ibn 'Abbās. Ayyūb and Ibn Juraij both reported it from 'Ikrimah bin Khālid, from Sa'eed bin Jubair, from Ibn 'Abbās. And Ibn Juraij reported it from 'Abdul-Ḥamīd bin Rāfi', from 'Atā', from Ibn 'Abbās. And Al-A'mash reported it from Mālik bin Al-Ḥārith, from Ibn 'Abbās. And Ibn Juraij reported it from 'Amr bin Dīnār, from Ibn 'Abbās. All of these said, regarding the three divorces, that they are valid. And he said: "And she is completely separated from you." Similar to the narration of Ismā'il from Ayyūb, from 'Abdullāh bin Kathīr.^[1]

Abū Dāwud said: Ḥammād bin Zaid reported from Ayyūb, from 'Ikrimah, from Ibn 'Abbās: "If he said: 'You are divorced three times' — at once — then it is counted as one."

And Ismā'il bin Ibrāhīm reported it from Ayyūb, from 'Ikrimah, as his own saying, not mentioning Ibn 'Abbās.

جُبَيْرٌ، عَنْ ابْنِ عَبَّاسٍ. وَأَيُّوبُ وَابْنُ جُرَيْجٍ جَمِيعًا عَنْ عِكْرِمَةَ بْنِ خَالِدٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، وَابْنُ جُرَيْجٍ عَنْ عَبْدِ الْحَمِيدِ بْنِ رَافِعٍ، عَنْ عَطَاءٍ، عَنْ ابْنِ عَبَّاسٍ. وَرَوَاهُ الْأَعْمَشُ عَنْ مَالِكِ بْنِ الْحَارِثِ، عَنْ ابْنِ عَبَّاسٍ. وَابْنُ جُرَيْجٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ ابْنِ عَبَّاسٍ؛ كُلُّهُمْ قَالُوا فِي الطَّلَاقِ الثَّلَاثِ أَنَّهُ أَجَازُهَا، قَالَ: وَبَأْتَتْ مِنْكَ نَحْوَ حَدِيثِ إِسْمَاعِيلَ عَنْ أَيُّوبَ، عَنْ عَبْدِ اللَّهِ بْنِ كَثِيرٍ.

قَالَ أَبُو دَاوُدَ: وَرَوَى حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: إِذَا قَالَ: أَنْتِ طَالِقٌ ثَلَاثًا - بِقَمٍ وَاحِدٍ: فَهِيَ وَاحِدَةٌ - وَرَوَاهُ إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ أَيُّوبَ، عَنْ عِكْرِمَةَ هَذَا قَوْلُهُ وَلَمْ يَذْكُرِ ابْنَ عَبَّاسٍ وَجَعَلَهُ قَوْلَ عِكْرِمَةَ.

تخريج: [إسناده صحيح] أخرجه النسائي في الكبرى، ح: ١١٦٠٢ والطبري في تفسيره: ٢٨/ ٨٤ والطبراني في الكبير: ٨٨/ ١١، ٨٩، ح: ١١٣٩ من حديث إسماعيل به وصححه ابن حجر في الفتح: ٣٦٢/ ٩، وتواتر عن ابن عباس أنه أفتى بوقوع الثلاث في المدخولة وأما غير المدخولة فكان يراها واحدة * وقوله: في قبل عدتهن، تفسير من ابن عباس وكان يقرأ "لعدتهن" كما في المعجم الكبير للطبراني: ٩٥/ ١١، ح: ١١١٥٧ وحديث أبي داود عن حماد بن زيد لم أجد موصولاً وهذا لغیر المدخولة إن صح.

[1] Meaning, no. 2197.

2198. It was reported from Muḥammad bin Iyās that Ibn ‘Abbās, Abū Hurairah, and ‘Abdullāh bin ‘Amr bin Al-‘Āṣ were all asked regarding a virgin whose husband divorced her three times. They all replied: “She is not permitted for him until after she has married another husband (and that husband divorces her).” (*Ṣaḥīḥ*)

Abū Dāwud said: Mālik reported from Yahayā bin Sa‘eed, from Bukair bin Al-Ashajj, from Mu‘āwiyah bin Abī ‘Ayyāsh, that he bore witness to this story when Muḥammad bin Iyās bin Al-Bukair came to Ibn Az-Zubair and ‘Āṣim bin ‘Umar and asked them regarding this issue. They both said: “Go to Ibn ‘Abbās and Abū Hurairah, for we left them while they were at ‘Āishah’s house, may Allāh be pleased with her.” Then he cited this narration.

Abū Dāwud said: And the saying of Ibn ‘Abbās that a triple divorce is irrevocable, regardless of whether the marriage has been consummated or not, and that she is not permitted for her husband until she marries another person, is similar to another narration from him, regarding *Ṣarf*, then Ibn ‘Abbās retracted from that.^[1]

٢١٩٨ - قَالَ أَبُو دَاوُدَ: وَصَّارَ قَوْلُ ابْنِ عَبَّاسٍ فِيمَا حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ وَمُحَمَّدُ بْنُ يَحْيَى - وَهَذَا حَدِيثُ أَحْمَدَ - قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَمُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ عَنْ مُحَمَّدِ بْنِ إِيَّاسٍ أَنَّ ابْنَ عَبَّاسٍ وَأَبَا هُرَيْرَةَ وَعَبْدَ اللَّهِ ابْنَ عَمْرٍو بَنِي الْعَاصِ سُئِلُوا عَنِ الْبِكْرِ يُطَلَّقُهَا زَوْجَهَا ثَلَاثًا؟ فَكُلُّهُمْ قَالَ: لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ.

قَالَ أَبُو دَاوُدَ: وَرَوَى مَالِكٌ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُكَيْرِ بْنِ الْأَشَجِّ، عَنْ مُعَاوِيَةَ بْنِ أَبِي عِيَّاشٍ أَنَّهُ شَهِدَ هَذِهِ الْقِصَّةَ جِئَ مُحَمَّدُ بْنُ إِيَّاسٍ بِنِ الْبُكَيْرِ إِلَى ابْنِ الزُّبَيْرِ وَعَاصِمِ بْنِ عُمَرَ فَسَأَلَهُمَا عَنْ ذَلِكَ فَقَالَا: أَذْهَبَ إِلَى ابْنِ عَبَّاسٍ وَأَبِي هُرَيْرَةَ فَإِنِّي تَرَكْتُهُمَا عِنْدَ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، ثُمَّ سَأَلَ هَذَا الْخَبَرَ.

قَالَ أَبُو دَاوُدَ: وَقَوْلُ ابْنِ عَبَّاسٍ - هُوَ أَنَّ الطَّلَاقَ الثَّلَاثَ تَبَيَّنَ مِنْ زَوْجِهَا مَدْخُولًا بِهَا أَوْ غَيْرَ مَدْخُولٍ بِهَا - : لَا تَحِلُّ لَهُ حَتَّى تَنْكِحَ زَوْجًا غَيْرَهُ، هَذَا مِثْلُ خَبَرِهِ الْآخَرِ، فِي الصَّرْفِ قَالَ فِيهِ، ثُمَّ إِنَّهُ رَجَعَ عَنْهُ. يَعْنِي ابْنَ عَبَّاسٍ.

تخريج: [صحيح] أخرجه البيهقي: ٣٥٤/٧ من حديث أبي داود به وحديث مالك في الموطأ (يحيى): ٥٧٠/٢.

[1] See no. 3348.

2199. It was reported from Ayyūb and others, from Ṭawūs, that a man by the name of Abū Aṣ-Ṣahbā' would frequently ask Ibn 'Abbās questions. Once, he said: "Are you not aware of the fact that if a man divorced his wife thrice, before he consummated the marriage with her, they would consider it as one during the time of the Messenger of Allāh ﷺ, and Abū Bakr, and the early period of 'Umar?" Ibn 'Abbās replied: "Yes, they would consider that if a man divorced his wife thrice before he consummated the marriage with her, it would be counted as one during the time of the Messenger of Allāh ﷺ, and Abū Bakr, and the early period of 'Umar. But when they saw people doing this (frequently), he said: 'Consider it all upon them.'" (*Da'if*)

٢١٩٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ مَرْوَانَ: حَدَّثَنَا أَبُو التَّعْمَانِ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ، عَنْ غَيْرِ وَاحِدٍ، عَنْ طَاوُسٍ: أَنَّ رَجُلًا يُقَالُ لَهُ أَبُو الصَّهْبَاءِ كَانَ كَثِيرَ السُّؤَالِ لَابْنِ عَبَّاسٍ قَالَ: أَمَا عَلِمْتَ أَنَّ الرَّجُلَ كَانَ إِذَا طَلَّقَ امْرَأَتَهُ ثَلَاثًا قَبْلَ أَنْ يَدْخُلَ بِهَا جَعَلُوهَا وَاحِدَةً عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَأَبِي بَكْرٍ وَصَدْرًا مِنْ إِمَارَةِ عُمَرَ؟ قَالَ ابْنُ عَبَّاسٍ: بَلَى كَانَ الرَّجُلُ إِذَا طَلَّقَ امْرَأَتَهُ ثَلَاثًا قَبْلَ أَنْ يَدْخُلَ بِهَا جَعَلُوهَا وَاحِدَةً عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَأَبِي بَكْرٍ وَصَدْرًا مِنْ إِمَارَةِ عُمَرَ، فَلَمَّا [أَنَّ] رَأَى النَّاسَ قَدْ تَتَابَعُوا فِيهَا قَالَ: أَجِيزُوهُمْ عَلَيْهِمْ.

تخريج: [إسناده ضعيف] أخرجه البيهقي في دلائل النبوة: ٣٣٨/٧ من حديث أبي داود به ووقع في المطبوع تصحيح * غير واحد: لم أعرفهم وقول ابن عباس يؤيد هذا الحديث.

2200. It was reported from Ibn Juraij, that Ibn Ṭawūs informed him from his father, that Abū Aṣ-Ṣahbā' said to Ibn 'Abbās: "Do you not know that three (divorces) were considered as one during the time of the Prophet ﷺ, and Abū Bakr, and three (years) from the rule of 'Umar?" Ibn 'Abbās replied: "Yes." (*Ṣaḥiḥ*)

٢٢٠٠ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي ابْنُ طَاوُسٍ عَنْ أَبِيهِ أَنَّ أَبَا الصَّهْبَاءِ قَالَ لَابْنِ عَبَّاسٍ: أَتَعْلَمُ أَنَّمَا كَانَتْ الثَّلَاثُ تُجْعَلُ وَاحِدَةً عَلَى عَهْدِ النَّبِيِّ ﷺ وَأَبِي بَكْرٍ وَثَلَاثًا مِنْ إِمَارَةِ عُمَرَ؟ قَالَ ابْنُ عَبَّاسٍ: نَعَمْ.

تخريج: أخرجه مسلم، الطلاق، باب طلاق الثلاث، ح: ١٤٧٢ من حديث عبدالرزاق به وهو في مصنفه، ح: ١١٣٣٧.

Chapter 10/11. Regarding Statements That Equate To Divorce, And Intentions

2201. ‘Umar bin Al-Khattāb narrated that the Messenger of Allāh ﷺ said: “Actions are only done with intentions, and every person will only obtain what he intended. So whoever intended to emigrate for the sake of Allāh and His Messenger, then his emigration is for Allāh and His Messenger. And whoever emigrated due to a worldly benefit that would come to him, or because he wished to marry a woman, then his emigration will be for that which he emigrated.” (Ṣaḥīḥ)

(المعجم ١٠، ١١) بَابُ: فِي مَا عَنِيَ بِهِ الطَّلَاقُ وَالنِّيَّاتُ (التحفة ١١)

٢٢٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ: حَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ التَّيْمِيِّ، عَنْ عَلْقَمَةَ بْنِ وَقَّاصٍ اللَّيْثِيِّ قَالَ: سَمِعْتُ عُمَرَ بْنَ الْخَطَّابِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا الْأَعْمَالُ بِالنِّيَّةِ وَإِنَّمَا لِمَنْ نَوَى، فَمَنْ كَانَتْ هِجْرَتُهُ إِلَى اللَّهِ وَرَسُولِهِ فَهَاجَرَتْهُ إِلَى اللَّهِ وَرَسُولِهِ، وَمَنْ كَانَتْ هِجْرَتُهُ لِدُنْيَا يُصِيبُهَا أَوْ امْرَأَةٍ يَتَزَوَّجُهَا فَهَاجَرَتْهُ إِلَى مَا هَاجَرَ إِلَيْهِ».

تخریج: أخرجه البخاري، بدء الوحي، باب: كيف كان بدء الوحي إلى رسول الله ﷺ... إلخ، ح: ١ ومسلم، الإمارة، باب قوله ﷺ: 'إنما الأعمال بالنية...' إلخ، ح: ١٩٠٧ من حديث سفیان بن عیینة به.

2202. It was reported from Ibn Shihāb who said: ‘Abdur-Raḥmān bin ‘Abdullāh bin Ka’b bin Mālīk informed me that ‘Abdullāh bin Ka’b — who was the guide for Ka’b bin Mālīk when he became blind — said: “I heard Ka’b bin Mālīk” and he narrated his story regarding the incident of Tabūk. He said: “So when forty of those fifty (days) had passed, a messenger came from the Messenger of Allāh ﷺ and said: ‘The Messenger of Allāh ﷺ has commanded you to leave your wife.’ I said: ‘Should I divorce her, or what?’ He said: ‘No, just leave her, and do not approach her.’ So I

٢٢٠٢ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بْنِ السَّرْحِ وَسَلِيمَانُ بْنُ دَاوُدَ قَالَا: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ أَنَّ عَبْدَ اللَّهِ بْنَ كَعْبٍ - وَكَانَ قَائِدَ كَعْبٍ مِنْ بَنِيهِ جِئْنَ عَمِي - قَالَ: سَمِعْتُ كَعْبَ بْنَ مَالِكٍ، فَسَاقَ قِصَّتَهُ فِي تَبُوكَ قَالَ: حَتَّى إِذَا مَضَتْ أَرْبَعُونَ مِنَ الْخَمْسِينَ إِذَا رَسُولُ رَسُولِ اللَّهِ ﷺ يَأْتِي فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ يَأْمُرُكَ أَنْ تَعْتَزِلَ امْرَأَتَكَ، قَالَ: فَقُلْتُ: أَطْلُقُهَا أَمْ مَاذَا أَفْعَلُ؟ قَالَ: لَا، بَلِ اعْتَزِلْهَا، فَلَا تَقْرَبَتْهَا. فَقُلْتُ لَامْرَأَتِي:

said to my wife: 'Go to you family, and stay with them until Allāh, Most High, decides in this matter.'"^[1] (*Ṣaḥīḥ*)

الْحَقِّي بِأَهْلِكَ فَكُونِي عِنْدَهُمْ حَتَّى يَقْضِيَ اللَّهُ تَعَالَى فِي هَذَا الْأَمْرِ.

تخريج: أخرجه مسلم، التوبة، باب حديث توبة كعب بن مالك وصاحبيه، ح: ٢٧٦٩ عن أحمد بن عمرو بن السرح، والبخاري، الوصايا، باب: إذا تصدق أو وقف بعض ماله أو بعض رقيقه أو دوابه فهو جائز، ح: ٢٧٥٧ من حديث ابن شهاب الزهري به.

Comments:

If a husband tells his wife to go to her family with the intent of divorcing her, she will be divorced.

Chapter 11/12. Regarding Allowing The Wife To Choose

(المعجم ١١، ١٢) بَابُ: فِي الْخِيَارِ
(التحفة ١٢)

2203. ‘Āishah narrated: “The Messenger of Allāh ﷺ gave us the right to choose, so we all chose him, and that was not counted as anything.” (*Ṣaḥīḥ*)

٢٢٠٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو عَوَانَةَ
عَنِ الْأَعْمَشِ، عَنْ أَبِي الضُّحَى، عَنْ
مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: خَيْرَنَا رَسُولُ اللَّهِ
ﷺ فَاخْتَرْنَاهُ، فَلَمْ يَعُدَّ ذَلِكَ شَيْئًا.

تخريج: أخرجه البخاري، الطلاق، باب من خير أزواجه ... إلخ، ح: ٥٢٦٢ ومسلم، الطلاق، باب بيان أن تخييره امرأته لا يكون طلاقاً إلا بالنية، ح: ٢٨/١٤٧٧ من حديث الأعمش به.

Comments:

If a husband says to his wife: “Either choose me or yourself” and by that he means divorce, then she will be divorced if she chooses herself.

Chapter 12/13. Regarding The Phrase: ‘Your Matter Is In Your Hands’

(المعجم ١٢، ١٣) بَابُ: فِي أَمْرِكَ بِيَدِكَ
(التحفة ١٣)

2204. Hammad bin Zaid said that he asked Ayyūb: “Do you know anyone who agreed with Al-Hasan regarding his opinion on the phrase: ‘Your matter is in your hands?’” He said: ‘No, except for something narrated to us by Qatādah, from Kathīr, the freed

٢٢٠٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا
سُلَيْمَانُ بْنُ حَرْبٍ عَنْ حَمَادِ بْنِ زَيْدٍ قَالَ:
قُلْتُ لِأَيُّوبَ: هَلْ تَعْلَمُ أَحَدًا، قَالَ [بِقَوْلِ]
الْحَسَنِ فِي: أَمْرِكَ بِيَدِكَ؟ قَالَ: لَا إِلَّا شَيْءٌ
حَدَّثَنَا قَتَادَةُ عَنْ كَثِيرٍ مَوْلَى ابْنِ سَمُرَةَ، عَنْ

^[1] See nos. 4600, 4915 and 4916. See a long version in Al-Bukhārī (4418) and Muslim (7016).

slave of Ibn Samurah, from Abū Salamah, from Abū Hurairah, from the Prophet ﷺ, with its like.' Ayyūb said: 'But then, when Kathīr came to us and we asked him about it, he said that he had never narrated any such thing. And when we mentioned this to Qatādah, he said: Yes, he had, but he forgot.'

(Da'if)

تخريج: [إسناده ضعيف] أخرجه الترمذي، الطلاق، باب ما جاء في: أمرك بيدك، ح: ١١٧٨ والنسائي، ح: ٣٤٤٩ من حديث سليمان بن حرب به وقال الترمذي: "غريب" وقال النسائي: "منكر" * قتادة مدلس وعنن وكثير أنكر المروي المنسوب إليه.

2205. It was reported from Hishām, from Qatādah, from Al-Hasan, regarding the phrase: "Your matter is in your hands," — he said: "(It counts as) three."

(Da'if)

٢٢٠٥ - حَدَّثَنَا مُسْلِمُ بْنُ أَبِرَاهِيمَ: حَدَّثَنَا هِشَامٌ عَنْ قَتَادَةَ، عَنْ الْحَسَنِ فِي: أَمْرِكَ بِبَيْدِكَ قَالَ: ثَلَاثٌ.

تخريج: [إسناده ضعيف] * قتادة عنن.

Chapter 13/14. Regarding An Irrevocable (*Al-Battah*) Divorce

2206. It was reported from Nāfi' bin 'Ujair bin 'Abd Yazīd bin Rukānah, that Rukānah bin Abd Yazīd divorced his wife Suhaimah irrevocably (*Al-Battah*), and he then informed the Prophet ﷺ about that, and said: "By Allāh, I only intended one!" The Messenger of Allāh ﷺ said: "You swear by Allāh that you only intended one?" He replied: "I swear by Allāh that I only intended one." So the Messenger of Allāh ﷺ returned her to him. He then divorced her the second time during the era of 'Umar, and then the third time during the era of

(المعجم ١٣، ١٤) بَابُ فِي الْبَتَّةِ

(التحفة ١٤)

٢٢٠٦ - حَدَّثَنَا ابْنُ السَّرْحِ وَإِبْرَاهِيمُ بْنُ خَالِدٍ الْكَلْبِيُّ أَبُو ثَوْرٍ فِي آخِرِينَ قَالُوا: حَدَّثَنَا مُحَمَّدُ بْنُ إِدْرِيسَ الشَّافِعِيُّ: حَدَّثَنِي عَمِّي مُحَمَّدُ بْنُ عَلِيٍّ بْنِ شَافِعٍ عَنْ [عَبْدِ اللَّهِ] بْنِ عَلِيٍّ بْنِ السَّائِبِ، عَنْ نَافِعِ بْنِ عُجَيْرٍ بْنِ عَبْدِ يَزِيدَ بْنِ رُكَانَةَ: أَنَّ رُكَانَةَ بْنَ عَبْدِ يَزِيدَ طَلَّقَ امْرَأَتَهُ سُهِيمَةَ الْبَتَّةَ فَأَخْبَرَ النَّبِيَّ ﷺ بِذَلِكَ وَقَالَ: وَاللَّهِ! مَا أَرَدْتُ [بِهَا] إِلَّا وَاحِدَةً. فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَاللَّهِ! مَا أَرَدْتُ إِلَّا وَاحِدَةً؟» فَقَالَ رُكَانَةُ: وَاللَّهِ! مَا أَرَدْتُ إِلَّا وَاحِدَةً، فَرَدَّهَا إِلَيْهِ رَسُولُ اللَّهِ ﷺ، فَطَلَّقَهَا

‘Uthmān. (*Hasan*)

Abū Dāwud said: The beginning of it is the wording of Ibrāhīm (one of the narrators) while the end of it is the wording of Ibn As-Sarḥ (one of the narrators).

الثَّانِيَّةُ فِي زَمَانِ عُمَرَ وَالثَّلَاثَةُ فِي زَمَانِ عُثْمَانَ.

قَالَ أَبُو دَاوُدَ: أَوَّلُهُ لَفْظُ إِبْرَاهِيمَ وَآخِرُهُ لَفْظُ ابْنِ السَّرْحِ.

تخريج: [إسناده حسن] أخرجه الدارقطني: ٣٣/٤، ح: ٣٩٣٣ من حديث الشافعي به وهو في الأم: ١١٨/٥، ١٣٧، ٢٦٠ و ٣٥/٧ ومسند الشافعي، ص: ٢٦٨ ونقل الدارقطني بسند صحيح عن أبي داود قال: "وهذا حديث صحيح" وأعل بما لا يقدح.

2207. (Another chain) from Nafi' bin 'Ujairah, from Rukānah bin 'Abd Yazīd, from the Prophet ﷺ for this *Hadīth*. (*Hasan*)

٢٢٠٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يُونُسَ النَّسَائِيُّ أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ حَدَّثَهُمْ عَنْ مُحَمَّدِ بْنِ إِدْرِيسَ: حَدَّثَنِي عَمِّي مُحَمَّدُ بْنُ عَلِيٍّ عَنْ ابْنِ السَّائِبِ، عَنْ نَافِعِ بْنِ عُجَيْرٍ، عَنْ رُكَانَةَ بْنِ عَبْدِ يَزِيدَ عَنِ النَّبِيِّ ﷺ بِهَذَا الْحَدِيثِ.

تخريج: [حسن] انظر الحديث السابق وأخرجه الدارقطني: ٣٣/٤ والبيهقي: ٣٤٢/٧ من حديث أبي داود به.

2208. (Another chain) from 'Abdullāh bin 'Alī bin Yazīd bin Rukānah, from his father, from his grandfather, that he irrevocably divorced his wife. He then came to the Messenger of Allāh ﷺ, who asked him: "What did you intend?" He replied, "One." He said: "By Allāh?" He replied, "By Allāh." So the Prophet ﷺ said: "It is as you intended." (*Da'if*)

٢٢٠٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ: حَدَّثَنَا جَرِيرُ بْنُ حَازِمٍ عَنِ الزُّبَيْرِ بْنِ سَعِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَلِيٍّ بْنِ يَزِيدَ بْنِ رُكَانَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّهُ طَلَّقَ امْرَأَتَهُ الْبَتَّةَ، فَاتَى رَسُولَ اللَّهِ ﷺ فَقَالَ: «مَا أَرَدْتُ؟» قَالَ: وَاحِدَةً، قَالَ: «اللَّهُ؟» قَالَ اللَّهُ! قَالَ: «هُوَ عَلَى مَا أَرَدْتُ».

Abū Dāwud said: This is more correct than the narration of Ibn Juraij,^[1] which says that Rukānah divorced his wife three times. Because these are people (the narrators) from his family and they are more knowledgeable about his

قَالَ أَبُو دَاوُدَ: وَهَذَا أَصَحُّ مِنْ حَدِيثِ ابْنِ جُرَيْجٍ: أَنَّ رُكَانَةَ طَلَّقَ امْرَأَتَهُ ثَلَاثًا لِأَنَّهُمْ أَهْلُ بَيْتِهِ وَهُمْ أَعْلَمُ بِهِ. وَحَدِيثُ ابْنِ جُرَيْجٍ رَوَاهُ عَنْ بَعْضِ بَنِي أَبِي رَافِعٍ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ.

[1] That is, no. 2196.

affairs. And the narration of Ibn Juraij was reported from someone from the sons of Abū Rāfi', from 'Ikrimah, from Ibn 'Abbās.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الطلاق واللعان، باب ما جاء في الرجل يطلق امرأته البتة، ح: ١١٧٧ وابن ماجه، ح: ٢٠٥١ من حديث جرير بن حازم به * الزبير بن سعيده: لين الحديث، والحديث السابق يغني عنه.

Comments:

The *Battah* divorce means the irrevocable divorce, wherein there remains no right of return.

Chapter 14/15. Regarding Whisperings Of Divorce^[1]

(المعجم ١٤، ١٥) بَابُ: فِي الْوَسْوَسَةِ
بِالطَّلَاقِ (التحفة ١٥)

2209. Abū Hurairah narrated that the Prophet ﷺ said: "Allāh has overlooked for my nation what it does not say or act upon, and what it (only) thinks about." (*Ṣaḥīḥ*)

٢٢٠٩ - حَدَّثَنَا مُسْلِمٌ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ عَنْ قَتَادَةَ، عَنْ زُرَّارَةَ بْنِ أَوْفَى، عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ ﷺ قَالَ: «إِنَّ اللَّهَ تَجَاوَزَ لِأُمَّتِي عَمَّا لَمْ يَتَكَلَّمْ بِهِ أَوْ تَعْمَلْ بِهِ وَبِمَا حَدَّثَتْ بِهِ أَنْفُسُهَا».

تخريج: أخرجه البخاري، العتق، باب الخطأ والنسيان في العتاقة والطلاق ونحوه ... إلخ، ح: ٢٥٢٨ ومسلم، الإيمان، باب تجاوز الله عن حديث النفس والخواطر بالقلب إذا لم تستقر، ح: ١٢٧ من حديث قتادة به.

Comments:

Divorce does not become valid until a person articulates the meaning of divorce, verbally or in writing. Just thinking of divorce does not make it valid.

Chapter 15/16. Regarding A Man Calling His Wife: "My Sister"

(المعجم ١٥، ١٦) بَابُ: فِي الرَّجُلِ يَقُولُ لِامْرَأَتِهِ: يَا أُخْتِي (التحفة ١٦)

2210. It was reported from Khālid Aṭ-Ṭaḥān, from Abū Tamimah Al-Hujaimī, that a man said to his wife: "O little sister of mine!" at which the Messenger of Allāh ﷺ said: "Is she your sister?" So he

٢٢١٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ، ح: وَحَدَّثَنَا أَبُو كَامِلٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ وَخَالِدُ الطَّحَّانُ الْمَعْنَى كُلُّهُم عَنْ خَالِدٍ، عَنْ أَبِي تَمِيمَةَ الْهُجَيْمِيِّ: أَنَّ رَجُلًا

^[1] Meaning thinking about these matters in one's mind, or the whisperings of *Shaitan* that occur in one's heart.

disliked that and forbade it. (*Da'if*)

قَالَ لَامْرَأَتِهِ يَا أَخِيَّةُ! فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَخْتُكَ هِيَ؟!» فَكَرِهَ ذَلِكَ وَنَهَى عَنْهُ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٦٦/٧ من حديث أبي داود به * السند مرسل.

2211. It was reported from Khālīd Al-Hadh-dhā, from Abū Tamīmah, from a man among his people, that he heard the Prophet ﷺ, who heard a man saying to his wife: “O little sister of mine!” So he forbade him from doing so. (*Da'if*)

Abū Dāwud said: ‘Abdul-‘Azīz bin Al-Mukhtār reported it from Khālīd, and Shu‘bah reported it from Khālīd, from a man, from Abū Tamīmah, from the Prophet ﷺ.

٢٢١١ - حَدَّثَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ الْبَزَّازُ: حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا عَبْدُ السَّلَامِ يَعْنِي ابْنَ حَرْبٍ عَنْ خَالِدِ الْحَذَّاءِ، عَنْ أَبِي تَمِيمَةَ، عَنْ رَجُلٍ مِنْ قَوْمِهِ: أَنَّهُ سَمِعَ النَّبِيَّ ﷺ، سَمِعَ رَجُلًا يَقُولُ لَامْرَأَتِهِ: يَا أَخِيَّةُ! فَنَهَاها.

قَالَ أَبُو دَاوُدَ: وَرَوَاهُ عَبْدُ الْعَزِيزِ بْنُ الْمُخْتَارِ عَنْ خَالِدٍ، عَنْ أَبِي عُثْمَانَ، عَنْ أَبِي تَمِيمَةَ عَنِ النَّبِيِّ ﷺ. وَرَوَاهُ شُعْبَةُ عَنْ خَالِدٍ، عَنْ رَجُلٍ، عَنْ أَبِي تَمِيمَةَ عَنِ النَّبِيِّ ﷺ.

تخريج: [إسناده ضعيف] خالد الحذاء: لم يسمعه من أبي تيممة، بينهما رجل وهو مجهول.

2212. It was reported from Hishām, from Muḥammad, from Abū Hurairah, from the Prophet ﷺ, that (Prophet) Ibrāhīm never lied except thrice: Twice for the sake of Allāh, when he said: I am feeling sick^[1] and when he said, ‘Rather, the largest of them did it.’^[2] And (the third) was when he was travelling through a land that was ruled by a tyrant. When he camped, the tyrant was approached and told: “A man has camped here with a woman who is of the most beautiful of mankind.” So the

٢٢١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا هِشَامٌ عَنْ مُحَمَّدٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ: «أَنَّ إِبْرَاهِيمَ عَلَيْهِ السَّلَامُ لَمْ يَكْذِبْ قَطُّ إِلَّا ثَلَاثًا: ثِنْتَانِ فِي ذَاتِ اللَّهِ قَوْلُهُ: ﴿إِنِّي سَقِيمٌ﴾ [الصافات: ٨٩] وَقَوْلُهُ: ﴿بَلْ فَعَلَهُ كَبِيرُهُمْ هَذَا﴾ [الأنبياء: ٦٣] وَبَيْنَمَا هُوَ يَسِيرُ فِي أَرْضِ جَبَّارٍ مِنَ الْجَبَّارَةِ إِذْ نَزَلَ مَنْزِلًا، فَأَتَى الْجَبَّارُ فَقِيلَ لَهُ: إِنَّهُ نَزَلَ هَهُنَا رَجُلٌ مَعَهُ امْرَأَةٌ هِيَ أَحْسَنُ النَّاسِ، قَالَ:

[1] *As-Saffāt* 37:89.

[2] *Al-Anbiyā* 21:63.

tyrant called for him and asked him about her, to which he replied, "She is my sister." When he returned, he said: "He asked me about you, and I told him that you are my sister, and there is no Muslim today besides you and me, and you are my sister according to the Book of Allāh, so do not make (him think) that I was lying." And he quoted the remainder of the narration. (*Ṣaḥīḥ*)

Abū Dāwud said: Shu'aib bin Abī Ḥamzah reported this narration from Abū Az-Zinād, from Al-A'raj, from Abū Hurairah, from the Prophet ﷺ, similarly.

تخريج: [صحيح] أخرجه النسائي في السنن الكبرى، ح: ٨٣٧٤ من حديث هشام به، ورواه البخاري، ح: ٥٠٨٤ ومسلم، ح: ٢٣٧١ من حديث أيوب عن محمد بن سيرين به * حديث شعيب ابن أبي حمزة: رواه البخاري، ح: ٢٢١٧.

16/17. Chapter: Regarding Az-Zihār

2213. It was reported from Salamah bin Ṣakhr (Al-Bayādhī), who said: "I was a man who used to be effected by women much more than others. So when the month of Ramaḍān came, I feared that I would do with my wife an act that would remain with me until morning. Therefore, I pronounced *Zihār* on her until the end of the month of Ramaḍān. Once, while she was helping me one night, I saw a portion of her (body), and could not refrain from falling upon her. The next morning, I went out to my people and informed them of what had occurred, and said:

فَأَرْسَلَ إِلَيْهِ فَسَأَلَهُ عَنْهَا، فَقَالَ: إِنَّهَا أُخْتِي، فَلَمَّا رَجَعَ إِلَيْهَا قَالَ: إِنَّ هَذَا سَأَلَنِي عَنْكَ فَأَنْبَأْتُهُ أَنَّكَ أُخْتِي وَإِنَّهُ لَيْسَ الْيَوْمَ مُسْلِمٌ غَيْرِي وَغَيْرِكَ وَإِنَّكَ أُخْتِي فِي كِتَابِ اللَّهِ فَلَا تُكَذِّبْنِي عَنْهُ». وَسَاقَ الْحَدِيثَ.

قَالَ أَبُو دَاوُدَ: رَوَى هَذَا الْحَبَرُ شُعَيْبُ بْنُ أَبِي حَمْزَةَ عَنْ أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

(المعجم ١٦، ١٧) بَابُ: فِي الظَّهَارِ

(التحفة ١٧)

٢٢١٣ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَمُحَمَّدُ بْنُ الْعَلَاءِ الْمَعْنَى قَالَا: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَطَاءٍ قَالَ ابْنُ الْعَلَاءِ: ابْنُ عَلْقَمَةَ - بَنِي عَيَّاشٍ عَنْ سُلَيْمَانَ بْنِ يَسَّارٍ، عَنْ سَلَمَةَ ابْنِ صَخْرٍ - قَالَ ابْنُ الْعَلَاءِ: الْبَيَاضِيُّ، قَالَ: كُنْتُ امْرَأَةً أُصِيبُ مِنَ النِّسَاءِ مَا لَا يُصِيبُ غَيْرِي فَلَمَّا دَخَلَ شَهْرُ رَمَضَانَ خِفْتُ أَنْ أُصِيبَ مِنْ امْرَأَتِي شَيْئًا يَتَّبِعُ بِي حَتَّى أَصْبَحَ، فَظَاهَرْتُ مِنْهَا حَتَّى يَنْسَلِخَ شَهْرُ رَمَضَانَ، فَبَيَّنَّا هِيَ تَخْذُمُنِي ذَاتَ لَيْلَةٍ إِذْ تَكَشَّفَ لِي مِنْهَا شَيْءٌ

'Come with me to the Messenger of Allāh ﷺ.' They said: 'No, by Allāh!' So I went to the Prophet ﷺ and informed him (of what occurred). He said: 'You are the one, O Abū Salamah?' I said: 'I am the one, O Messenger of Allāh,' twice, 'and I will bear patiently the Decree of Allāh, the Mighty and Sublime, so judge upon me however Allāh wishes you to.' He said: 'Free a slave.' I said, placing my hand on my back: 'I swear by the One Who has send you with the truth, I own no back except this.' He said: 'Then fast for two consecutive two continuous months.' I replied: 'And how else was this caused except because of fasting?!' He said: 'Then feed a *Wasaq* of dates among sixty needy people.' I said: 'I swear by the One Who has send you with the truth, we spent the night hungry, having no food.' So he said: 'Then go to the one who is in charge of the charity of Banū Zuraiq, and ask him to give it to you, and feed sixty needy people with a *Wasaq* of dates, and feed yourselves and your family the remainder of it.' So I returned to my people and said: 'I found with you narrowness and evil opinion, and I found with the Prophet ﷺ ease and good opinion. And he commanded me to take your charity.'" (*Da'if*)

(One of the narrators) Ibn Al-A'la' added: "Ibn Idrīs said: 'Bayāḍah is a branch of Banū Zuraiq.'"

تخريج: [إسناده ضعيف] أخرجه الترمذي، الطلاق واللعان، باب ما جاء في المظاهر يواقع قبل أن يكفر، ح: ١١٩٨ وابن ماجه، ح: ٢٠٦٢ من حديث محمد بن إسحاق بن يسار به ولم أجد

فَلَمْ أَلْبَثْ أَنْ نَزَوْتُ عَلَيْهَا، فَلَمَّا أَصْبَحْتُ خَرَجْتُ إِلَى قَوْمِي فَأَخْبَرْتُهُمُ الْخَبَرَ وَقُلْتُ: امْسُوا مَعِيَ إِلَى رَسُولِ اللَّهِ ﷺ، قَالُوا: لَا وَاللَّهِ! فَاِنْطَلَقْتُ إِلَى النَّبِيِّ ﷺ فَأَخْبَرْتُهُ، فَقَالَ: «أَنْتَ بِذَاكَ يَاسَلَمَةُ؟» قُلْتُ: أَنَا بِذَاكَ يَا رَسُولَ اللَّهِ! مَرَّتَيْنِ وَأَنَا صَابِرٌ لِأَمْرِ اللَّهِ عَزَّوَجَلَّ، فَاخُكُمُ فِيَّ مَا أَرَاكَ اللَّهُ. قَالَ: «حَرِّزْ رَقَبَةً. قُلْتُ: وَالَّذِي بَعَثَكَ بِالْحَقِّ! مَا أَمْلِكُ رَقَبَةً غَيْرَهَا وَضَرَبْتُ صَفْحَةَ رَقَبَتِي. قَالَ: «فَضُمْ شَهْرَيْنِ مُتَتَابِعَيْنِ». قَالَ: وَهَلْ أَصَبْتُ الَّذِي أَصَبْتُ إِلَّا مِنَ الصَّيَامِ؟ قَالَ: «فَاطْعِمُ وَسَقَا مِنْ تَمَرٍ بَيْنَ سِتِّينَ مِسْكِينًا». قَالَ: وَالَّذِي بَعَثَكَ بِالْحَقِّ لَقَدْ بَنَّا وَحَشِينِ مَا لَنَا طَعَامٌ. قَالَ: «فَاِنْطَلِقْ إِلَى صَاحِبِ صَدَقَةِ بَنِي زُرَيْقٍ فَلْيَدْفَعْهَا إِلَيْكَ فَاطْعِمُ سِتِّينَ مِسْكِينًا وَسَقَا مِنْ تَمَرٍ وَكُلْ أَنْتَ وَعِيَالُكَ بِقِيَّتِهَا». فَرَجَعْتُ إِلَى قَوْمِي فَقُلْتُ: وَجَدْتُ عِنْدَكُمْ الضِّيقَ وَسُوءَ الرَّأْيِ وَوَجَدْتُ عِنْدَ النَّبِيِّ ﷺ السَّعَةَ وَحُسْنَ الرَّأْيِ وَقَدْ أَمَرَ لِي أَوْ أَمَرَنِي بِصَدَقَتِكُمْ.

زَادَ ابْنُ الْعَلَاءِ: قَالَ ابْنُ إِدْرِيسَ: وَيَبَاضَةُ بَطْنٌ مِنْ بَنِي زُرَيْقٍ.

تصريح سماعه * وسليمان لم يسمعه من سلمة، ومع ذلك حسنه الترمذي وصححه الحاكم على شرط مسلم: ٢٠٣/٢ ووافقه الذهبي والسند ضعيف وله شواهد ضعيفة.

Comments:

One *Wasq* equals sixty *Ṣā'* and one *Ṣā'* equals four *Mudd*.

2214. It was reported from Muḥammad bin Ishāq, from Ma'mar bin 'Abdullāh bin Hanzalah, from Yūsuf bin 'Abdus-Salām, from Khuwailah bint Mālik bin Tha'labah, she said: "My husband, Aws bin Aṣ-Ṣāmit, pronounced *Zihār* upon me, so I went to the Messenger of Allāh ﷺ in order to complain to him. But the Messenger of Allāh ﷺ was defending him against me, and saying: 'Fear Allāh, for he is the son of your uncle.' And I did not move until Allāh revealed: 'Allāh has indeed heard the statement of she who disputes with you about her husband...' [1] until it was made obligatory (the ruling of *Zihār*). So the Prophet ﷺ said: 'Let him free a slave.' I said: 'He can't do that.' So he said: 'Then let him fast for two consecutive months.' I said: 'He is an old man, and cannot fast.' He said: 'Then let him feed sixty needy people.' I said: 'He has nothing to give as charity.' But at that very moment, a bushel (*Araq*) [2] of dates came. I said: 'O Messenger of Allāh, I will help him with another *Araq*.' The Prophet ﷺ said: 'You have done well. Go and feed sixty needy people on his behalf, and return to the son of

٢٢١٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مَعْمَرِ بْنِ عَبْدِ اللَّهِ بْنِ حَظَلَةَ، عَنْ يُونُسَ بْنِ عَبْدِ اللَّهِ بْنِ سَلَامَ، عَنْ خُوَيْلَةَ بِنْتِ مَالِكِ بْنِ تَغْلَبَةَ قَالَتْ: طَاهَرَ مِنِّي زَوْجِي أَوْسُ بْنُ الصَّامِتِ، فَجِئْتُ رَسُولَ اللَّهِ ﷺ أَشْكُو إِلَيْهِ وَرَسُولُ اللَّهِ ﷺ يُجَادِلُنِي فِيهِ وَيَقُولُ: «اتَّقِ اللَّهَ فَإِنَّهُ ابْنُ عَمِّكَ»، فَمَا بَرِحْتُ حَتَّى نَزَلَ الْقُرْآنُ: ﴿قَدْ سَمِعَ اللَّهُ قَوْلَ الَّتِي تُجَادِلُكَ فِي زَوْجِهَا﴾ [المجادلة: ١] إِلَى الْفَرْضِ فَقَالَ: «يَعْتِقُ رَقَبَةً»، قَالَتْ: لَا يَجِدُ، قَالَ: «فَيَصُومُ شَهْرَيْنِ مُتَتَابِعَيْنِ»، قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّهُ شَيْخٌ كَبِيرٌ مَا بِهِ مِنْ صِيَامٍ، قَالَ: «فَلْيُطْعِمْ سِتِينَ مِسْكِينًا» قَالَتْ: مَا عِنْدَهُ مِنْ شَيْءٍ يَتَصَدَّقُ بِهِ، قَالَتْ: فَأَتَيْتُ سَاعَتِيذَ بَعْرَقٍ مِنْ تَمْرٍ، قُلْتُ: يَا رَسُولَ اللَّهِ! فَأَتَيْتُ أُعِينُهُ بِعَرَقٍ آخَرَ، قَالَ: «قَدْ أَحْسَنْتِ، أَذْهَبِي فَأُطْعِمِي بِهَا عَنْهُ سِتِينَ مِسْكِينًا، وَارْجِعِي إِلَى ابْنِ عَمِّكَ» قَالَ: وَالْعَرَقُ سِتُونَ صَاعًا.

قَالَ أَبُو دَاوُدَ فِي هَذَا: إِنَّمَا كَفَّرَتْ عَنْهُ مِنْ غَيْرِ أَنْ تَسْتَأْمِرَهُ.

[1] *Al-Mujādilah* 58:1.

[2] A type of basket made of plant fiber, the volume of which is mentioned by one of the narrators at the end of the narration.

your uncle.” He said:^[1] “An ‘*Araq* is sixty *Ṣā’s*. (*Ḍa‘īf*)

Abū Dāwud said: She paid the expiation for him without asking his permission.

Abū Dāwud said: He is the brother of ‘Ubādah bin Aṣ-Ṣāmit.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤١٠/٦ من حديث محمد بن إسحاق به وصرح بالسماع * معمر بن عبدالله: لم يوثقه غير ابن حبان.

2215. (Another chain) from Ibn Ishāq, with this chain, similarly, except that he said: “An ‘*Araq* is thirty *Ṣā’s*.” (*Ḍa‘īf*)

Abū Dāwud said: This is more correct than the narration of Yahyā bin Ādam.^[2]

٢٢١٥ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ يَحْيَى أَبُو الْأَصْبَغِ الْحَرَّانِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ ابْنِ إِسْحَاقَ بِهَذَا الْإِسْنَادِ نَحْوَهُ إِلَّا أَنَّهُ قَالَ: وَالْعَرَقُ مِثْلُ يَسْعٍ ثَلَاثِينَ صَاعًا.

قَالَ أَبُو دَاوُدَ: وَهَذَا أَصَحُّ مِنْ حَدِيثِ يَحْيَى بْنِ آدَمَ.

تخريج: [ضعيف] انظر الحديث السابق وأخرجه البيهقي: ٣٩٢/٧ من حديث أبي داود به.

Comments:

According to *Shaikh* Al-Albānī, the correct definition of the ‘*Araq* (large basket) is fifteen *Ṣā’s*, as the following *Ḥadīth* indicates.

2216. (Another chain) from Abū Salamah bin ‘Abdur-Raḥmān who said: “An ‘*Araq* is a basket that holds twenty-five *Ṣā’s*.” (*Ḍa‘īf*)

٢٢١٦ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبَانُ: حَدَّثَنَا يَحْيَى عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: يَغْنِي الْعَرَقَ رَنْبِيلاً يَأْخُذُ خَمْسَةَ عَشَرَ صَاعًا.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٩٠/٧ من حديث أبي داود به * أبان هو ابن يزيد العطار ويحيى هو ابن أبي كثير وهو مدلس وعنعن.

2217. It was reported from Bukair bin Al-Ashajj, from Sulaimān bin

٢٢١٧ - حَدَّثَنَا ابْنُ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي ابْنُ لَهْيَعَةَ وَعَمْرُو بْنُ الْحَارِثِ

[1] It is not clear which of the narrators said this, it appears that it may be attributed to Muḥammad bin Ishāq.

[2] That is, no. 2214.

Yasār, with this narration, he said: "So some dates were brought to the Messenger of Allāh ﷺ, and he gave them to him, and it was approximately fifteen *Ṣā's*. He said: 'Give this as charity.' He replied: 'O Messenger of Allāh! To someone who is poorer than my family and I?' So the Messenger of Allāh ﷺ replied: 'Eat it yourself, and your family.'" (*Da'if*)

تخریج: [إسناده ضعيف] وأخرجه البيهقي: ٣٩١/٧ من حديث أبي داود به وانظر، ح: ٢٢١٣ والسند مرسل.

2218. It was reported from Al-Awzā'i, that 'Aṭā' narrated to them from Aws, the brother of 'Ubādah bin Aṣ-Ṣāmit, that the Prophet ﷺ gave him fifteen *Ṣā's* of barely to feed sixty needy people. (*Da'if*)

Abū Dāwud said: 'Aṭā' did not meet Aws, and Aws was of those who attended (the Battle of) Badr, whose death was much earlier. The *Hādīth* is *Mursal*, they only reported it "from Al-Awzā'i, from 'Aṭā', that Aws."^[1]

عن بُكَيرِ بْنِ الْأَسَّجِ، عن سُلَيْمَانَ بْنِ يَسَارٍ بِهَذَا الْخَبَرِ قَالَ: فَأَتَيْتِ رَسُولُ اللَّهِ ﷺ بِتَمَرٍ فَأَعْطَاهُ إِيَّاهُ وَهُوَ قَرِيبٌ مِنْ خَمْسَةِ عَشَرَ صَاعًا. قَالَ: «تَصَدَّقْ بِهَذَا». فَقَالَ: يَا رَسُولَ اللَّهِ! عَلَى أَفْقَرٍ مِنِّي وَمِنْ أَهْلِي؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «كُلْهُ أَنْتَ وَأَهْلُكَ».

٢٢١٨ - قَالَ أَبُو دَاوُدَ: قَرَأْتُ عَلَى مُحَمَّدِ بْنِ وَزِيرِ الْمِصْرِيِّ قُلْتُ لَهُ: حَدَّثَكُمْ بِشْرُ بْنُ بَكْرٍ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنَا عَطَاءٌ عَنْ أَوْسٍ أَخِي عُبَادَةَ بْنِ الصَّامِتِ: أَنَّ النَّبِيَّ ﷺ أَعْطَاهُ خَمْسَةَ عَشَرَ صَاعًا مِنْ شَعِيرٍ إِطْعَامَ سِتِّينَ مِسْكِينًا.

قَالَ أَبُو دَاوُدَ: وَعَطَاءٌ لَمْ يُدْرِكْ أَوْسًا وَهُوَ مِنْ أَهْلِ بَدْرٍ قَدِيمِ الْمَوْتِ، وَالْحَدِيثُ مُرْسَلٌ وَلِنَّمَا رَوَاهُ: عَنْ الْأَوْزَاعِيِّ، عَنْ عَطَاءٍ أَنَّ أَوْسًا.

تخریج: [إسناده ضعيف] أخرجه البيهقي: ٣٩٢/٧ من حديث أبي داود به والسند مرسل.

2219. Hishām bin 'Urwah narrated that Jamīlah was married to Aws bin Aṣ-Ṣāmit, and he was a man who was very easily roused. So when his passions would become strong, he would pronounce *Zihār* on his wife, and because of that Allāh, the Mighty and Sublime,

٢٢١٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ هِشَامِ بْنِ عُرْوَةَ أَنَّ جَمِيلَةَ كَانَتْ تَحْتَ أَوْسٍ بْنِ الصَّامِتِ وَكَانَ رَجُلًا بِهِ لَمَمٌ، فَكَانَ إِذَا اشْتَدَّ لَمَمُهُ ظَاهَرَ مِنْ أَمْرَاتِهِ، فَأَنْزَلَ اللَّهُ عَزَّوَجَلَّ فِيهِ كَفَّارَةَ الظَّهَارِ.

[1] Meaning, it was narrated with wording that does not indicate 'Aṭā' was witness to it.

revealed the expiation for *Zihār*.
(*Ṣaḥīḥ*)

Comments:

Jamīlah is the same woman who has been called *Khuwailah* in an earlier narration.

2220. (Another chain) from Hishām bin ‘Urwah, from ‘Urwah, from ‘Āishah, may Allāh be pleased with her, with similar (to no. 2219). (*Ṣaḥīḥ*)

تخريج: [صحيح] انظر الحديث الآتي.

٢٢٢٠ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا مُحَمَّدُ بْنُ الْفَضْلِ: حَدَّثَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا مِثْلَهُ.

تخريج: [إسناده صحيح] أخرجه الحاكم: ٤٨١/٢ من حديث محمد بن الفضل: عارم به وصححه على شرط مسلم ووافقه الذهبي.

2221. It was reported from Sufyān, that Al-Ḥakam bin Abān narrated from ‘Ikrimah, that a man pronounced *Zihār* on his wife, and then engaged in intercourse with her before paying the expiation. He came to the Prophet ﷺ and informed him. The Prophet ﷺ said: “Why did you do what you did?” He said: “I saw the whiteness of her shin in the moonlight!” So he said: “Then stay away from her until you pay the expiation.” (*Ḍa‘īf*)

٢٢٢١ - حَدَّثَنَا إِسْحَاقُ بْنُ إِسْمَاعِيلَ الطَّالْقَانِيُّ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الْحَكَمُ بْنُ أَبَانَ عَنْ عِكْرِمَةَ: أَنَّ رَجُلًا ظَاهَرَ مِنْ امْرَأَتِهِ ثُمَّ وَاقَعَهَا قَبْلَ أَنْ يُكَفِّرَ، فَأَتَى النَّبِيَّ ﷺ، فَأَخْبَرَهُ، فَقَالَ: «مَا حَمَلَكَ عَلَى مَا صَنَعْتَ؟» قَالَ: رَأَيْتُ بَيَاضَ سَاقِهَا فِي الْقَمَرِ، قَالَ: «فَاعْتَزِلْهَا حَتَّى تُكَفِّرَ عَنْكَ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٨٦/٧ من حديث أبي داود به وللحديث شواهد

والسند مرسل.

Comments:

In case of *Zihār*, it is not permissible for one to come near his wife before expiation.

2222. (Another chain) from Sufyān bin ‘Uyainah, from Al-Ḥakam bin Abān, from ‘Ikrimah that a man pronounced *Zihār* on his wife, and then saw the beauty of her shin in the moonlight and so he fell upon her. He then came to the Prophet ﷺ, who commanded him to pay the expiation. (*Ḍa‘īf*)

٢٢٢٢ - حَدَّثَنَا الرَّعْفَرَانِيُّ: حَدَّثَنَا سُفْيَانُ ابْنُ عُيَيْنَةَ عَنْ الْحَكَمِ بْنِ أَبَانَ، عَنْ عِكْرِمَةَ: أَنَّ رَجُلًا ظَاهَرَ مِنْ امْرَأَتِهِ، فَرَأَى بَرِيقَ سَاقِهَا فِي الْقَمَرِ فَوَقَعَ عَلَيْهَا، فَأَتَى النَّبِيَّ ﷺ فَأَمَرَهُ أَنْ يُكَفِّرَ.

تخريج: [إسناده ضعيف] انظر الحديث السابق.

2223. (Another chain) from Al-Ḥakam bin Abān, from 'Ikrimah, from Ibn 'Abbās, from the Prophet ﷺ, with similar (to no. 2222), but he did not mention the shin. (*Hasan*)

٢٢٢٣ - حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ: حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا الْحَكَمُ بْنُ أَبَانَ عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ نَحْوَهُ، وَلَمْ يَذْكُرِ: السَّاقِ.

تخريج: [إسناده حسن] أخرجه النسائي، الطلاق، باب الظهار، ح: ٣٤٨٧ والترمذي، ح: ١١٩٩ وابن ماجه، ح: ٢٠٦٥ من حديث الحكم بن أبان به وقال الترمذي: "حسن صحيح غريب".

2224. (Another chain) from Khālid (who said): "A *Ḥadīth* narrator reported to me, from 'Ikrimah, from the Prophet ﷺ" with similar to the narration of Sufyān (a narrator no. 2222). (*Da'if*)

٢٢٢٤ - حَدَّثَنَا أَبُو كَامِلٍ أَنَّ عَبْدَ الْعَزِيزِ ابْنَ الْمُخْتَارِ حَدَّثَهُمْ: حَدَّثَنَا خَالِدٌ: حَدَّثَنِي مُحَمَّدٌ عَنْ عِكْرَمَةَ عَنِ النَّبِيِّ ﷺ نَحْوَ حَدِيثِ سُفْيَانَ.

تخريج: [إسناده ضعيف] انظر الحديث السابق * محدث مجهول، والسند مرسل.

2225 (Another chain) from Al-Ḥakam bin Abān, narrating this *Ḥadīth*. And he did not mention Ibn 'Abbās. (*Hasan*)

Abū Dāwud said: A narration was written to me from Al-Ḥakam bin Abān, from 'Ikrimah, from Ibn 'Abbās, with its meaning, from the Prophet ﷺ.

٢٢٢٥ - قَالَ أَبُو دَاوُدَ: وَسَمِعْتُ مُحَمَّدَ ابْنَ عِيسَى يُحَدِّثُ بِهِ: أَخْبَرَنَا مُعْتَمِرٌ قَالَ: سَمِعْتُ الْحَكَمَ بْنَ أَبَانَ يُحَدِّثُ بِهَذَا الْحَدِيثِ. وَلَمْ يَذْكُرِ ابْنَ عَبَّاسٍ. قَالَ أَبُو دَاوُدَ: كَتَبَ إِلَيَّ الْحُسَيْنُ بْنُ حُرَيْثٍ قَالَ: أَخْبَرَنَا الْفَضْلُ بْنُ مُوسَى عَنْ مَعْمَرٍ، عَنْ الْحَكَمِ بْنِ أَبَانَ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ بِمَعْنَاهُ عَنِ النَّبِيِّ ﷺ.

تخريج: [حسن] انظر الحديث السابق، ح: ٢٢٢٣.

Comments:

In the case of *Zihār*, one has to fulfill the expiation before one may return to relations with his wife.

Chapter 17/18. Regarding *Khul'*

(المعجم ١٧، ١٨) بَابُ: فِي الْخُلْعِ
(التحفة ١٨)

2226. Thawbān reported that the Messenger of Allāh ﷺ said: "Any woman who asks her husband for a

٢٢٢٦ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ، عَنْ أَبِي قَلَابَةَ، عَنْ أَبِي

divorce without any cause will be prohibited from smelling the fragrance of Paradise.” (*Ṣaḥīḥ*)

أَسْمَاءُ، عَنْ ثَوْبَانَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِيْمًا امْرَأَةٌ سَأَلَتْ زَوْجَهَا طَلَاقًا فِي غَيْرِ مَا بَأْسٍ فَحَرَامٌ عَلَيْهَا رَائِحَةُ الْجَنَّةِ».

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الطلاق، باب كراهية الخلع للمرأة، ح: ٢٠٥٥ من حديث حماد بن زيد به وحسنه الترمذي، ح: ١١٨٧ وصححه ابن حبان (موارد)، ح: ١٣٢٠ والحاكم على شرط الشيخين: ٢/٢٠٠ ووافقه الذهبي.

Comments:

In case there is no conjugal felicity or harmony among couples, and the husband is unwilling to divorce and the wife is insisting on separation, there is no other way for the wife except to go to a *Qāḍī* (judge) and present her case before him. If the judge, after reviewing the facts of the case, asks the wife to return the *Mahr* the husband gave her, and then he revokes the marriage agreement binding them, this kind of separation is called *Khuḥ* (dislocation, discharge, etc) in Islamic law.

2227. It was reported from ‘Amrah bint ‘Abdur-Raḥmān bin Sa’d Ibn Zurārah, that Ḥabībah bint Sahl Al-Anṣāriyyah was married to Thābit bin Qais bin Shammās. Once the Messenger of Allāh ﷺ came out (of his house) in the early morning and found her at his door. He asked: “Who is this?” She replied: “I am Ḥabībah bint Sahl.” He said: “And what is the matter?” She replied: “Thābit bin Qais and I cannot (remain together).” So when Thābit bin Qais came, the Messenger of Allāh ﷺ said to him: “This is Ḥabībah bint Sahl, and she has said whatever Allāh has willed her to say.” And Ḥabībah said: “O Messenger of Allāh! I (still) have everything that he has given me.” So the Messenger of Allāh ﷺ said to Thābit bin Qais: “Take it from her,” so he took it from her, and she then went to her house. (*Ṣaḥīḥ*)

٢٢٢٧ - حَدَّثَنَا الْقُعْنُبِيُّ عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ عَبْدِ الرَّحْمَنِ ابْنِ سَعْدٍ بْنِ زُرَّارَةَ أَنَّهَا أَخْبَرَتْهُ عَنْ حَبِيبَةَ بِنْتِ سَهْلٍ الْأَنْصَارِيَّةِ: أَنَّهَا كَانَتْ تَحْتَ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ وَأَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ إِلَى الصُّبْحِ فَوَجَدَ حَبِيبَةَ بِنْتِ سَهْلٍ عِنْدَ بَابِهِ فِي الْعُلْسِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ هَذِهِ؟» قَالَتْ: «أَنَا حَبِيبَةُ بِنْتُ سَهْلٍ قَالَ: «مَا شَأْنُكِ؟» قَالَتْ: «لَا أَنَا وَلَا ثَابِتُ ابْنُ قَيْسٍ - لَزَوْجَهَا - فَلَمَّا جَاءَ ثَابِتُ بْنُ قَيْسٍ قَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «هَذِهِ حَبِيبَةُ: بِنْتُ سَهْلٍ» فَذَكَرْتُ مَا شَاءَ اللَّهُ أَنْ تَذْكُرَ. وَقَالَتْ حَبِيبَةُ: يَا رَسُولَ اللَّهِ! كُلُّ مَا أَعْطَانِي عِنْدِي، فَقَالَ رَسُولُ اللَّهِ ﷺ لِثَابِتِ بْنِ قَيْسٍ: «خُذْ مِنْهَا» فَأَخَذَ مِنْهَا وَجَلَسَتْ فِي أَهْلِهَا.

تخريج: [إسناده صحيح] أخرجه النسائي، الطلاق، باب ما جاء في الخلع، ح: ٣٤٩٢

حديث مالك به وهو في الموطأ (يحيى): ٥٦٤/٢ وصححه ابن حبان (موارد): ١٣٢٦.

2228. It was reported from 'Amrah, from 'Aishah that Ḥabībah bint Sahl was married to Thābit bin Qais bin Shammās. He once hit her, and broke (some bones). So she came to the Prophet ﷺ after *Ṣubḥ* and complained to him about Thābit. The Prophet ﷺ called Thābit and said: "Take some of her wealth, and let go of her." He asked: "Will this rectify the matter, O Messenger of Allāh?" He said: "Yes." He said: "I gave her two gardens as her dowry, and she owns them now." The Prophet ﷺ said: "Take them from her, and let her go." So he did that. (*Hasan*)

٢٢٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ مَعْمَرٍ: حَدَّثَنَا أَبُو عَامِرٍ عَبْدُ الْمَلِكِ بْنُ عَمْرِو: حَدَّثَنَا أَبُو عَمْرِو السَّدُوسِيُّ الْمَدِينِيُّ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ مُحَمَّدٍ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ: أَنَّ حَبِيبَةَ بِنْتَ سَهْلٍ كَانَتْ عِنْدَ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ فَضَرَبَهَا فَكَسَرَ بَعْضَهَا فَأَتَتْ النَّبِيَّ ﷺ بَعْدَ الصُّبْحِ فَاسْتَكْتَمَتْ إِلَيْهِ فَدَعَا النَّبِيُّ ﷺ ثَابِتًا فَقَالَ: «خُذْ بَعْضَ مَالِهَا وَفَارِقْهَا»، فَقَالَ: وَيَصْلُحُ ذَلِكَ يَا رَسُولَ اللَّهِ؟ قَالَ: «نَعَمْ» قَالَ: فَإِنِّي أَصْدَقْتُهَا حَدِيثَيْنِ وَهُمَا يَبْدِيهَا فَقَالَ النَّبِيُّ ﷺ: «خُذْهُمَا فَفَارِقْهَا» فَفَعَلَ.

تخريج: [إسناده حسن] أخرجه البيهقي: ٣١٥/٧ من حديث أبي عمرو: سعد بن سلمة بن أبي الحسام السدوسي به.

2229. It was reported from 'Ikrimah, from Ibn 'Abbās that the wife of Thābit bin Qais asked *Khul'* from him, so the Prophet ﷺ made her waiting period one menstrual cycle. (*Hasan*)

Abū Dāwud said: This *Ḥadīth* has also been reported by 'Abdur-Razzāq, from Ma'mar, from 'Amr bin Muslim, from 'Ikrimah from the Prophet ﷺ in *Mursal* form.

٢٢٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحِيمِ الْبُرَّازُ: حَدَّثَنَا عَلِيُّ بْنُ بَحْرِ الْقَطَّانُ: حَدَّثَنَا هِشَامُ بْنُ يُوسُفَ عَنْ مَعْمَرٍ، عَنْ عَمْرِو بْنِ مُسْلِمٍ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ امْرَأَةً ثَابِتِ بْنِ قَيْسٍ اخْتَلَعَتْ مِنْهُ، فَجَعَلَ النَّبِيُّ ﷺ عِدَّتَهَا حَيْضَةً.

قَالَ أَبُو دَاوُدَ: وَهَذَا الْحَدِيثُ رَوَاهُ عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنْ عَمْرِو بْنِ مُسْلِمٍ، عَنْ عِكْرَمَةَ عَنِ النَّبِيِّ ﷺ مُرْسَلًا.

تخريج: [إسناده حسن] أخرجه الترمذي، الطلاق واللعان، باب ما جاء في الخلع، ح: ١١٨٥م عن محمد بن عبد الرحيم به وقال: "حسن غريب" * حديث عبدالرزاق في المصنف، ح: ١١٨٥٨.

2230. It was reported from Nāfi', from Ibn 'Umar who said: "The waiting period of the women who asks for a *Khul'* is one menstrual cycle." (*Ṣaḥīḥ*)

٢٢٣٠ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: عِدَّةُ الْمُخْتَلَعَةِ حَيْضَةٌ.

تخريج: [إسناده صحيح] وهو في الموطأ (يحيى): ٥٦٥/٢ .

Chapter 18/19. Regarding A Slave Woman Who Was Married To A Slave Or Free Man And Then Freed

2231. It was reported from Khālīd Al-Ḥadh-dhā', from 'Ikrimah, from Ibn 'Abbās that Mughīth was a slave, and he said: "O Messenger of Allāh, intercede on my behalf with her."^[1] So the Messenger of Allāh ﷺ said: "O Barīrah; fear Allāh, for he is your husband, and the father of your children." She said: 'O Messenger of Allāh, are you commanding me with that?' He replied: "No, I am only an intercessor." And his tears were flowing down his cheeks, so the Messenger of Allāh ﷺ said to 'Abbās: "Does it not amaze you how much Mughīth loves her, yet she hates him so?" (*Ṣaḥīḥ*)

(المعجم ١٨، ١٩) بَابُ: فِي الْمَمْلُوكَةِ تُعْتَقُ وَهِيَ تَحْتَ حُرٍّ أَوْ عَبْدٍ (التحفة ١٩)

٢٢٣١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ خَالِدِ الْحَذَّاءِ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ مُغِيثًا كَانَ عَبْدًا فَقَالَ: يَا رَسُولَ اللَّهِ! اسْفَعْ لِي إِلَيْهَا قَالَ رَسُولُ اللَّهِ ﷺ: «يَا بَرِيرَةُ! اتَّقِي اللَّهَ فَإِنَّهُ زَوْجُكَ وَأَبُو وَلَدِكَ»، فَقَالَتْ: يَا رَسُولَ اللَّهِ! أَتَأْمُرُنِي بِذَاكَ؟ قَالَ: «لَا إِنَّمَا أَنَا شَافِعٌ»، فَكَانَ دُمُوعُهُ تَسِيلُ عَلَى خَدَيْهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَعَبَّاسُ: أَلَا تَعْجَبُ مِنْ حُبِّ مُغِيثٍ بِرِيرَةَ وَبُغْضِهَا إِيَّاهُ؟!» .

تخريج: أخرجه البخاري، الطلاق، باب شفاعة النبي ﷺ في زوج بريرة، ح: ٥٢٨٣ من حديث خالد الحذاء به.

Comments:

If a slave man and a slave woman are united in marriage but, later on, the slave-girl is set free before her husband, she has the right to stay or not to stay with her husband.

2232. It was reported from Qatādah, from 'Ikrimah, from Ibn

٢٢٣٢ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَفَّانُ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنْ

[1] These narrations are about Barīrah who was freed by 'Āishah, may Allāh be pleased with them.

'Abbās that Barīrah's husband was a black slave called Mughīth, so the Prophet ﷺ gave her the option (of remaining his wife or leaving him), and then commanded her to observe the waiting period. (*Sahīh*)

عِكْرَمَةَ، عن ابن عَبَّاسٍ: أَنَّ زَوْجَ بَرِيرَةَ كَانَ عَبْدًا أَسْوَدَ يُسَمَّى مُغِيثًا فَخَيَّرَهَا يَعْنِي النَّبِيُّ ﷺ وَأَمَرَهَا أَنْ تَعْتَذَّ.

تخريج: أخرجه البخاري، الطلاق، باب خيار الأمة تحت العبد، ح: ٥٢٨٠ من حديث همام

به.

2233. It was reported from Hishām bin 'Urwah, from his father, from 'Āishah — regarding the story of Barīrah — “Her husband was a slave, so the Prophet ﷺ gave her the option (of remaining his wife), and she chose herself. And had he been a free man, the Prophet ﷺ would not have given her the option.” (*Sahīh*)

٢٢٣٣ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ فِي قِصَّةِ بَرِيرَةَ قَالَتْ: كَانَ زَوْجُهَا عَبْدًا، فَخَيَّرَهَا النَّبِيُّ ﷺ، فَاخْتَارَتْ نَفْسَهَا، وَلَوْ كَانَ حُرًّا لَمْ يُخَيَّرَهَا.

تخريج: أخرجه مسلم، العتق، باب بيان أن الولاء لمن أعتق، ح: ٩/١٥٠٤ من حديث جرير، والبخاري، المكاتب، باب استعانة المكاتب وسؤاله الناس، ح: ٢٥٦٣ من حديث هشام بن عروة به مطولاً * ولو كان حُرًّا لم يخيرها، مدرج من قول عروة كما بينته رواية النسائي.

2234. It was reported from 'Abdur-Rahmān bin Al-Qāsim, from his father, from 'Āishah that the Prophet ﷺ gave Barīrah the option (to remain with him or leave him), and her husband was a slave. (*Sahīh*)

٢٢٣٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ وَالْوَلِيدُ بْنُ عُقْبَةَ عَنْ زَائِدَةَ، عَنْ سِمَاكِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ بَرِيرَةَ خَيَّرَهَا النَّبِيُّ ﷺ وَكَانَ زَوْجُهَا عَبْدًا.

تخريج: أخرجه مسلم، ح: ١١/١٥٠٤ من حديث الحسين بن علي به، انظر الحديث السابق.

Chapter 19/20. Whoso Said That He Was A Free Man

(المعجم ١٩، ٢٠) - بَابُ مَنْ قَالَ: كَانَ حُرًّا (التحفة ٢٠)

2235. It was reported from Al-Aswad, from 'Āishah, that Barīrah's husband was a free man when she was freed, and she was

٢٢٣٥ - حَدَّثَنَا ابْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ

given the option (of remaining his wife or leaving him). She replied: "Even if I were to have such and such, I would not like to be with him." (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه الترمذي، الرضاع، باب ما جاء في الأمة تعتق ولها زوج، ح: ١١٥٥ من حديث إبراهيم النخعي به وقال: "حسن صحيح" * إبراهيم النخعي: مدلس ولم أجد تصريح سماعه في هذا الحديث.

Comments:

According to Shaikh Al-Albānī, the statement "he was a free man" is an interpolation, being merely the statement of Al-Aswad bin Yazid, and, according to Imām Al-Bukhārī, *Munqata'* (an interrupted chain of narration), while Ibn 'Abbās' statement "her husband was a slave" is more correct.

Chapter 20/21. When Will She Have Such An Option?

(المعجم ٢٠، ٢١) بَابُ: حَتَّى مَتَى يَكُونُ
لَهَا الْخِيَارُ (التحفة ٢١)

2236. It was reported from Abān bin Ṣāliḥ from Mujāhid — and from Hishām bin 'Urwah from his father — (both of them) from 'Āishah, that Barīrah was set free while she was married to Mughīth, a slave of the family of Abū Aḥmad. So the Messenger of Allāh ﷺ allowed her the option, and told her, "If he approaches you, then you do not have any option." (*Da'if*)

٢٢٣٦ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ يَحْيَى الْحَرَائِيُّ: حَدَّثَنِي مُحَمَّدٌ يَعْنِي ابْنَ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَبِي جَعْفَرٍ وَعَنْ أَبَانَ بْنِ صَالِحٍ، عَنْ مُجَاهِدٍ. وَعَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ بَرِيرَةَ أُعْطِيتْ وَهِيَ عِنْدَ مُغِيثِ عَبْدِ لَالِ أَبِي أَحْمَدَ فَخَيَّرَهَا رَسُولُ اللَّهِ ﷺ وَقَالَ لَهَا: «إِنْ قَرَّبَكَ فَلَا خِيَارَ لَكَ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٢٥/٧ من حديث أبي داود به * محمد بن إسحاق عنن وانظر فتح الباري: ٤١٣/٩ لتحقيق المسألة.

Chapter 21/22. If Two Slaves Are Set Free Together, Does The Wife Have The Option?

(المعجم ٢١، ٢٢) بَابُ: فِي الْمَمْلُوكَيْنِ
يُعْتَقَانِ مَعًا هَلْ تُخَيَّرُ امْرَأَتُهُ (التحفة ٢٢)

2237. It was reported from 'Ubaidullāh bin 'Abdur-Raḥmān bin Mawḥab, from Al-Qāsim, from 'Āishah that she desired to set free slaves who were married (to one

٢٢٣٧ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ وَنَصْرُ بْنُ عَلِيٍّ - قَالَ زُهَيْرٌ: حَدَّثَنَا - عُبَيْدُ اللَّهِ بْنُ عَبْدِ الْمَجِيدِ: حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ

another), so she asked the Prophet ﷺ about that. He commanded her to start with the man before the woman. (*Hasan*)

ابن مَوْهَبٍ عَنِ الْقَاسِمِ، عَنْ عَائِشَةَ: أَنَّهَا أَرَادَتْ أَنْ تُعْتَقَ مَمْلُوكَيْنِ لَهَا - زَوْجٌ - قَالَ: فَسَأَلَتِ النَّبِيَّ ﷺ عَنْ ذَلِكَ؟، فَأَمَرَهَا أَنْ تَبْدَأَ بِالرَّجُلِ قَبْلَ الْمَرْأَةِ قَالَ نَضَرُ: أَخْبَرَنِي أَبُو عَلِيٍّ الْحَنَفِيُّ عَنْ عُبَيْدِ اللَّهِ.

تخريج: [إسناده حسن] أخرجه ابن ماجه، العتق، باب من أراد عتق رجل وامرأته فليبدأ بالرجل، ح: ٢٥٣٢ من حديث عبيدالله بن عبدالمجيد به ورواه النسائي، ح: ٣٤٧٦ من حديث عبيدالله بن عبد الرحمن بن موهب به، وهو حسن الحديث وثقه الجمهور وقال ابن عدي: "حسن الحديث يكتب حديثه".

Chapter 22/23. If One Of The Two Who Are Married Accepts Islam

2238. It was reported from Ibn 'Abbās that a man accepted Islam and came to the Messenger of Allāh ﷺ. Then his wife came as a Muslim after him. He said: "O Messenger of Allāh, she accepted Islam along with me so return her to him." (*Da'if*)

(المعجم ٢٢، ٢٣) بَابُ: إِذَا أَسْلَمَ أَحَدُ الزَّوْجَيْنِ (التحفة ٢٣)

٢٢٣٨ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ إِسْرَائِيلَ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا جَاءَ مُسْلِمًا عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ ثُمَّ جَاءَتْ امْرَأَتُهُ مُسْلِمَةً بَعْدَهُ، فَقَالَ: يَارَسُولَ اللَّهِ! إِنَّهَا قَدْ كَانَتْ أَسْلَمْتُ مَعِيَ، فَرَدَّهَا عَلَيْهِ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، النكاح، باب ما جاء في الزوجين المشركين يسلم أحدهما، ح: ١١٤٤ من حديث وكيع به وقال: "صحيح" وصححه الحاكم ٢/٢٠٠ ووافقه الذهبي * سமாக عن عكرمة: سلسلة ضعيفة، راجع تهذيب التهذيب وغيره.

Comments:

Wedlock effected before Islam continues to be valid even after Islam. No renewal is needed.

2239. (Another chain) from Ibn 'Abbās who said: "A woman accepted Islam during the time of the Prophet ﷺ, and then married. Her husband came to the Prophet ﷺ and said: 'O Messenger of Allāh! I had accepted Islam, and she knew of my conversion.' So the Messenger of Allāh ﷺ took her

٢٢٣٩ - حَدَّثَنَا نَضَرُ بْنُ عَلِيٍّ: أَخْبَرَنِي أَبُو أَحْمَدَ عَنْ إِسْرَائِيلَ، عَنْ سِمَاكٍ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: أَسْلَمَتِ امْرَأَةٌ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَتَزَوَّجَتْ فَجَاءَ زَوْجُهَا إِلَى النَّبِيِّ ﷺ فَقَالَ: يَارَسُولَ اللَّهِ! إِنِّي كُنْتُ قَدْ أَسْلَمْتُ وَعَلِمْتُ بِإِسْلَامِي

away from her second husband, and returned her to her first husband.” (Da’if)

تخريج: [إسناده ضعيف] أخرجه البغوي في شرح السنة، ح: ٢٢٩٠ من حديث أبي داود، وابن ماجه، ح: ٢٠٠٨ من حديث سماك به وانظر الحديث السابق لعلته.

Chapter 23/24. Up Till When Will She Be Returned To Her Husband If He Accepts Islam After Her?

2240. It was reported from ‘Ikrimah from Ibn ‘Abbās who said: “The Messenger of Allāh ﷺ returned his daughter Zainab to Abū Al-‘Āṣ with their first marriage, and did not do anything again.”

In his narration Muḥammad bin ‘Amr (one of the narrators) said: “...after six years,” Al-Hasan bin ‘Alī (one of the narrators) said: “...after two years.” (Da’if)

فَانْتَزَعَهَا رَسُولُ اللَّهِ ﷺ مِنْ زَوْجِهَا الْآخَرِ وَرَدَّهَا إِلَى زَوْجِهَا الْأَوَّلِ.

(المعجم ٢٣، ٢٤) بَابُ: إِلَى مَتَى تُرَدُّ عَلَيْهِ امْرَأَتُهُ إِذَا أَسْلَمَ بَعْدَهَا (التحفة ٢٤)

٢٢٤٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الْقَيْلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو الرَّازِيُّ: حَدَّثَنَا سَلَمَةُ يَعْنِي ابْنَ الْفَضْلِ؛ ح: وَحَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا يَزِيدُ الْمَعْنَى كُلُّهُمْ عَنْ ابْنِ إِسْحَاقَ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: رَدَّ رَسُولُ اللَّهِ ﷺ ابْنَتَهُ زَيْنَبَ عَلَى أَبِي الْعَاصِ بِالنِّكَاحِ الْأَوَّلِ، لَمْ يُحْدِثْ شَيْئًا.

قال مُحَمَّدُ بْنُ عَمْرِو فِي حَدِيثِهِ: بَعْدَ سِتِّ سِنِينَ. وَقَالَ الْحَسَنُ بْنُ عَلِيٍّ: بَعْدَ سَتَيْنِ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، النكاح، باب ما جاء في الزوجين المشركين يسلم أحدهما، ح: ١١٤٣ وابن ماجه، ح: ٢٠٠٩ من حديث ابن إسحاق به * داود بن حصين: ثقة ولكن قال ابن المديني: "ما روى عن عكرمة فمكرر".

Chapter 24/25. Regarding A Man Who Was Married To More Than Four Women, Or To Two Sisters, And Then He Accepts Islam

2241. Al-Hārith bin Qais narrated: “I accepted Islam and I had eight wives. I mentioned that to the Prophet ﷺ who said: ‘Choose four

(المعجم ٢٤، ٢٥) بَابُ: فِي مَنْ أَسْلَمَ وَعِنْدَهُ نِسَاءٌ أَكْثَرُ مِنْ أَرْبَعٍ أَوْ أُخْتَانِ (التحفة ٢٥)

٢٢٤١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا هُشَيْمٌ؛ ح: وَحَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ: أَخْبَرَنَا هُشَيْمٌ عَنْ ابْنِ

among them.” (Ḍaʿīf)

Abū Dāwud said: Aḥmad bin Ibrāhīm narrated to us (saying): “Hushaim narrated it to us.” He said: “Qais bin Al-Ḥārith” instead of Al-Ḥārith bin Qais. Aḥmad bin Ibrāhīm said: “This is what is correct.” Meaning Qais bin Al-Ḥārith.

أَبِي لَيْلَى، عَنْ حُمَيْصَةَ بْنِ الشَّمْرَدَلِ، عَنْ الْحَارِثِ بْنِ قَيْسٍ - قَالَ مُسَدَّدٌ: ابْنُ عُمَيْرَةَ، وَقَالَ وَهْبٌ: الْأَسَدِيُّ - قَالَ: أَسْلَمْتُ وَعِنْدِي ثَمَانُ نِسْوَةٍ، قَالَ: فَذَكَرْتُ ذَلِكَ لِلنَّبِيِّ ﷺ، فَقَالَ النَّبِيُّ ﷺ: «اخْتَرِ مِنْهُنَّ أَرْبَعًا».

قَالَ أَبُو دَاوُدَ: وَحَدَّثَنَا بِهِ أَحْمَدُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هُشَيْنٌ بِهَذَا الْحَدِيثِ فَقَالَ: قَيْسُ بْنُ الْحَارِثِ، مَكَانَ الْحَارِثِ بْنِ قَيْسٍ. قَالَ أَحْمَدُ بْنُ إِبْرَاهِيمَ هَذَا هُوَ الصَّوَابُ يَعْنِي قَيْسَ بْنَ الْحَارِثِ.

تخريج: [إسناده ضعيف] وأخرجه ابن عبد البر في التمهيد: ٥٦/١٢ من حديث أبي داود به وانظر الحديث الآتي: ٢٢٤٢ * ابن أبي ليلي ضعيف، تقدم، ح: ١٦٣٧، وحميصة مستور لا يعرف ولم يوثقه غير ابن حبان، وللحديث شواهد ضعيفة.

2242. It was reported from Ḥumaidah bin Ash-Shamardhal, from Qais bin Al-Ḥārith, with its meaning (similar to no. 2241). (Ḍaʿīf)

٢٢٤٢ - حَدَّثَنَا أَحْمَدُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا بَكْرُ بْنُ عَبْدِ الرَّحْمَنِ قَاضِي الْكُوفَةِ عَنْ عَيْسَى بْنِ الْمُخْتَارِ، عَنْ ابْنِ أَبِي لَيْلَى، عَنْ حُمَيْصَةَ بْنِ الشَّمْرَدَلِ، عَنْ قَيْسِ بْنِ الْحَارِثِ بِمَعْنَاهُ.

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، النكاح، باب الرجل يسلم وعنده أكثر من أربع نسوة، ح: ١٩٥٢ من حديث محمد بن أبي ليلي به وللحديث شواهد ضعيفة، وانظر الحديث السابق.

2243. It was reported from Aḍ-Ḍaḥḥāk bin Fairūz, from his father, who said, “I asked: O Messenger of Allāh! I have accepted Islam, and I am married to two sisters.” So the Prophet ﷺ said: “Divorce whichever of them you wish.” (Ḥasan)

٢٢٤٣ - حَدَّثَنَا يَحْيَى بْنُ مَعِينٍ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ عَنْ أَبِيهِ قَالَ: سَمِعْتُ يَحْيَى بْنَ أَيُّوبَ يُحَدِّثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي وَهْبٍ الْجَيْشَانِيِّ، عَنْ الضَّحَّاكِ بْنِ قَبْرُورَ، عَنْ أَبِيهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي أَسْلَمْتُ وَتَحْتِي أُخْتَانِ، قَالَ: «طَلِّقْ أَيْتَهُمَا شِئْتَ».

تخريج: [حسن] أخرجه الترمذي، النكاح، باب ما جاء في الرجل يسلم وعنده أختان، ح: ١١٢٩ وابن ماجه، ح: ١٩٥١ من حديث أبي وهب به وقال الترمذي: "حسن غريب" وصححه ابن حبان (موارد)، ح: ١٢٧٦.

Chapter 25/26. If One Of The Parents Accepts Islam, Who Is The Child Given To?

2244. Rāfi' bin Sinān narrated that he accepted Islam, but his wife refused to do so. So she went to the Prophet ﷺ and said: "She is my daughter, and she is weaned, or almost weaned." And Rāfi' said: "She is my daughter." So the Prophet ﷺ told him, "Sit on this side," and told her, "Sit on that side," and then placed the girl between them. He then said to both of them: "Call her." The girl went towards her mother, but the Prophet ﷺ said: "O Allāh! Guide her," so she went to her father, and he took her. (*Hasan*)

(المعجم ٢٥، ٢٦) **بَابُ: إِذَا أَسْلَمَ أَحَدُ الْأَبَوَيْنِ لِمَنْ يَكُونُ الْوَلَدُ؟** (التحفة ٢٦)

٢٢٤٤ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا عِيسَى: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ: أَخْبَرَنِي أَبِي عَنْ جَدِّي رَافِعِ بْنِ سِنَانٍ أَنَّهُ أَسْلَمَ وَأَبَتْ امْرَأَتُهُ أَنْ تُسْلِمَ، فَأَتَتْ النَّبِيَّ ﷺ فَقَالَتْ: ابْنَتِي وَهِيَ فَطِيمٌ أَوْ شَبَهُهُ - وَقَالَ رَافِعٌ: ابْنَتِي - فَقَالَ لَهُ النَّبِيُّ ﷺ: «افْعُدِي نَاحِيَةَ»، وَقَالَ لَهَا: «افْعُدِي نَاحِيَةَ»، وَأَفْعَدَ الصَّبِيَّةَ بَيْنَهُمَا، ثُمَّ قَالَ: «ادْعُواَهَا» فَمَالَتِ الصَّبِيَّةُ إِلَى أُمِّهَا، فَقَالَ النَّبِيُّ ﷺ: «اللَّهُمَّ اهْدِهَا»، فَمَالَتِ الصَّبِيَّةُ إِلَى أَبِيهَا، فَأَخَذَهَا.

تخريج: [حسن] أخرجه أحمد: ٤٤٦/٥ من حديث عيسى، والنسائي في الكبرى، ح: ٦٣٨٥ من حديث عبد الحميد بن جعفر به وصححه الحاكم: ٢/٢٠٦، ٢٠٧ ووافقه الذهبي وانظر سنن ابن ماجه، ح: ٢٣٥٢ (بتحقيقي).

Comments:

In case, the couple are separated, their child, providing he is of sound judgment, shall be given the right to choose any of the two. As for the child lacking such ability, scholars have different opinions. For example, a male child will remain in custody of his mother for seven years and a female child for nine years. Later, they will be handed over to the father.

Chapter 26/27. Regarding Li'ān (Mutual Cursing)

2245. It was reported from Mālik, from Ibn Shihāb that Sahl bin Sa'd As-Sā'idī informed him, that

(المعجم ٢٦، ٢٧) **بَابُ: فِي اللَّعَانِ** (التحفة ٢٧)

٢٢٤٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقُعَيْبِيُّ عَنْ مَالِكٍ، عَنْ ابْنِ شِهَابٍ: أَنَّ

'Uwaimir bin Ashqar Al-'Ajlānī went to 'Āṣim bin 'Adī and said: "O 'Āṣim, what do you think if a man found another man with his wife — should he kill him, in which case you would then execute him, or what else should he do?" 'Āṣim, ask the Messenger of Allāh ﷺ on my behalf regarding this." So 'Āṣim asked the Messenger of Allāh ﷺ, but the Messenger of Allāh ﷺ disliked this issue, and criticized it, so much so that 'Āṣim felt distressed because of what he heard from the Messenger of Allāh ﷺ. When 'Āṣim returned to his family, 'Uwaimir came to him and said: "O 'Āṣim! What did the Messenger of Allāh ﷺ say to you?" He replied: "You did not bring me any good! The Messenger of Allāh ﷺ disliked the issue that I asked him about." 'Uwaimir said: "I swear by Allāh, I will not stop until I ask him myself about it." So 'Uwaimir then went to the Messenger of Allāh ﷺ while he was sitting among the people, and said: "O Messenger of Allāh! What do you think if a man found another man with his wife — should he kill him, in which case you would then execute him, or what else should he do?" So the Messenger of Allāh ﷺ said: "Some (Verses of the) Qur'ān has been revealed regarding you and your spouse, so go and bring her."

Sahl continued: "So they then pronounced the curse upon one another, and I was present along with the people in front of the

سَهْلَ بْنِ سَعْدٍ السَّاعِدِيِّ أَخْبَرَهُ أَنَّ عُؤَيْمِرَ بْنَ أَشَقَرَ الْعَجْلَانِيَّ جَاءَ إِلَى عَاصِمِ بْنِ عَدِيٍّ فَقَالَ لَهُ: يَا عَاصِمُ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا أَيَقْتُلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ؟ سَلَ لِي يَا عَاصِمُ! رَسُولَ اللَّهِ ﷺ عَنْ ذَلِكَ؟، فَسَأَلَ عَاصِمٌ رَسُولَ اللَّهِ ﷺ، فَكَرِهَ رَسُولُ اللَّهِ ﷺ الْمَسَائِلَ وَعَابَهَا حَتَّى كَبُرَ عَلَى عَاصِمٍ مَا سَمِعَ مِنْ رَسُولِ اللَّهِ ﷺ، فَلَمَّا رَجَعَ عَاصِمٌ إِلَى أَهْلِهِ جَاءَهُ عُؤَيْمِرٌ فَقَالَ: يَا عَاصِمُ! مَاذَا قَالَ لَكَ رَسُولُ اللَّهِ ﷺ؟ فَقَالَ عَاصِمٌ: لَمْ تَأْتِنِي بِخَيْرٍ، قَدْ كَرِهَ رَسُولُ اللَّهِ ﷺ الْمَسْأَلَةَ الَّتِي سَأَلْتُهُ عَنْهَا. فَقَالَ عُؤَيْمِرٌ: وَاللَّهِ! لَا أَنْتَهِيَ حَتَّى أَسْأَلَهُ عَنْهَا فَأَقْبَلَ عُؤَيْمِرٌ حَتَّى أَتَى رَسُولَ اللَّهِ ﷺ وَهُوَ وَسَطُ النَّاسِ فَقَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا أَيَقْتُلُهُ فَتَقْتُلُونَهُ أَمْ كَيْفَ يَفْعَلُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ أُنْزِلَ فِيكَ وَفِي صَاحِبَتِكَ قُرْآنٌ فَادْهَبْ فَأْتِ بِهَا». قَالَ سَهْلٌ: فَتَلَّعْنَا وَأَنَا مَعَ النَّاسِ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا فَرَعَا قَالَ عُؤَيْمِرٌ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ! إِنْ أَمْسَكْتُهَا، فَطَلَقْتُهَا عُؤَيْمِرٌ ثَلَاثًا قَبْلَ أَنْ يَأْمُرَهُ النَّبِيُّ ﷺ.

قال ابن شهاب: فكانت تلك سنة المتلاعنين.

Messenger of Allāh ﷺ. When they both finished, ‘Uwaimir said: ‘O Messenger of Allāh, if I keep her (after this), it would be as if I lied against her.’ So he divorced her three times before being ordered by the Prophet ﷺ.”

Ibn Shihāb said: “So this became the practice of those who pronounced *Li‘ān*.”^[1] (*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، الطلاق، باب من جوز الطلاق الثلاث لقول الله تعالى: ﴿الطلاق مرتان...﴾ إلخ، ح: ٥٢٥٩ ومسلم، اللعان، ح: ١٤٩٢ من حديث مالك به، وهو في الموطأ (يحيى): ٥٦٦/٢، ٥٦٧.

Comments:

If a husband discovers adultery committed by a wife but he does not have four witnesses to testify to that, he may go to the court and swear four times before the judge that his wife has committed adultery, and swears the fifth time invoking Allāh’s curse upon himself if he were lying. Then the woman swears four times that he is a liar, and she swears a fifth time invoking Allāh’s wrath upon herself in case his allegation is true. This procedure is called *Li‘ān* (cursing). This is followed by a permanent separation of the husband and wife, and the marriage is dissolved.

2246. It was reported from Muḥammad bin Ishāq, that ‘Abbās bin Sahl bin Sa’d narrated to him, from his father, that the Prophet ﷺ said to ‘Āṣim bin ‘Adī: “Keep the woman with you until she gives birth.” (*Ḥasan*)

٢٢٤٦ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ يَحْيَى: حَدَّثَنَا مُحَمَّدٌ يَعْنِي ابْنَ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ: حَدَّثَنِي عَبَّاسُ بْنُ سَهْلٍ عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ قَالَ لِعَاصِمِ بْنِ عَدِيٍّ: «أَمْسِكِ الْمَرْأَةَ عِنْدَكَ حَتَّى تَلِدَ».

تخریج: [إسناده حسن] أخرجه أحمد: ٣٣٥/٥ من حديث محمد بن إسحاق به.

Comments:

It came to be known later that the woman was pregnant. Hence, the inference is that the *Li‘ān* is also possible in the case of pregnant women.

2247. It was reported from Yūnus, from Ibn Shihāb, from Sahl bin Sa’d As-Sā’idī, who said: “I witnessed them cursing one another in front of the Messenger of Allāh ﷺ, and I was only fifteen

٢٢٤٧ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شَهَابٍ عَنْ سَهْلِ بْنِ سَعْدِ السَّاعِدِيِّ قَالَ: حَضَرْتُ لِعَانَهُمَا عِنْدَ رَسُولِ اللَّهِ ﷺ وَأَنَا ابْنُ خَمْسَ

^[1] Issues related to inheritance in such case are discussed later, see no. 2906.

at the time..." and he cited the narration (as no. 2247), and he also said: "It turned out that she was pregnant, and the child was then named after its mother." (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، ح: ١٤٩٢ من حديث عبدالله بن وهب به، انظر الحديث السابق: ٢٢٤٥.

2248. It was reported from Ibrāhīm, meaning Ibn Sa'd, from Az-Zuhri, from Sahl bin Sa'd — regarding the narration of the two who pronounced the curse — he said: "The Prophet ﷺ said: 'Watch her closely: If she gives (birth to a child) whose eyes are very black, and whose buttocks are large, then I can only conclude that he told the truth. And if she gives (birth) to one who is reddish in complexion, like a *Waharah*,^[1] then I can only conclude that he lied.' And then she gave (birth) according to the objectionable characteristics. (*Ṣaḥīḥ*)

تخريج: [صحيح] أخرجه ابن ماجه، الطلاق، باب اللعان، ح: ٢٠٦٦ من حديث إبراهيم بن سعد به، وانظر الحديث السابق.

2249. (Another chain) From Al-Awzā'i, from Az-Zuhri, from Sahl bin Sa'd As-Sā'idī, with this narration (similar to no. 2247). He said: "And so it — meaning the child — was given its mother's name." (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، التفسير، سورة النور، باب قوله عزوجل: ﴿والذين يرمون أزواجهن ولم يكن لهم شهداء﴾ ح: ٤٧٤٥ من حديث الفريابي به.

Comments:

Illegitimate children are named after their mothers.

[1] A type of small reptile.

عَشْرَةَ سَنَةٍ، وَسَاقَ الْحَدِيثَ، قَالَ فِيهِ: ثُمَّ خَرَجَتْ حَامِلًا، فَكَانَ الْوَلَدُ يُدْعَى إِلَى أُمِّهِ.

٢٢٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ الْوُرْكَانِيُّ: أَخْبَرَنَا إِبْرَاهِيمُ يَعْنِي ابْنَ سَعْدٍ عَنِ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ فِي خَبَرِ الْمُتَلَاعِنِينَ، قَالَ: قَالَ النَّبِيُّ ﷺ: «أَبْصُرُوهَا، فَإِنْ جَاءَتْ بِهِ أَدْعَجَ الْعَيْنَيْنِ عَظِيمَ الْأَلْيَتَيْنِ فَلَا أَرَاهُ إِلَّا قَدْ صَدَقَ، وَإِنْ جَاءَتْ بِهِ أَحْمَرَ كَأَنَّهُ وَحَرَّةٌ فَلَا أَرَاهُ إِلَّا كَاذِبًا» قَالَ: فَجَاءَتْ بِهِ عَلَى النَّعْتِ الْمَكْرُوهِ.

٢٢٤٩ - حَدَّثَنَا مَحْمُودُ بْنُ خَالِدٍ الدَّمَشْقِيُّ: حَدَّثَنَا الْفَرْيَابِيُّ عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ السَّاعِدِيِّ بِهَذَا الْخَبَرِ قَالَ: فَكَانَ يُدْعَى الْوَلَدُ لِأُمِّهِ.

2250. (Another chain) from Ibn Shihāb, from Sahl bin Sa'd regarding this narration, he said: "So he divorced her three times in the presence of the Messenger of Allāh ﷺ, and the Messenger of Allāh ﷺ discharged it. And what was done in the presence of the Prophet ﷺ became a *Sunnah*." Shl said: "And I was present when this occurred in the presence of the Messenger of Allāh ﷺ, so it became the *Sunnah* after this, that those who pronounced *Li'an* be separated, and never be allowed to join together (in marriage) again." (*Da'if*)

تخريج: [إسناده ضعيف] * عياض: روى عنه ابن وهب أحاديث فيها نظر قاله الساجي، وأما قوله: "وغیره": فمجهول.

2251. (Another chain) from Sufyān (Ibn 'Uyainah) from Az-Zuhrī, from Sahl bin Sa'd. Musad-dad (one of the narrators) said (he said): "I witnessed the two people pronounce *Li'an* in front of the Messenger of Allāh ﷺ while I was only fifteen (years old). After they had cursed one another, the Messenger of Allāh ﷺ separated between them." Up to the completion of Musad-dad's narration.

The others (among the narrators) said that he witnessed the Prophet ﷺ separating between the two who pronounced *Li'an*. The man said: "O Messenger of Allāh, if I keep her (after this), it would be as if I lied against her." (*Sahih*)

Abū Dāwud: Some of them did not

٢٢٥٠ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بن السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ الْفُهْرِيِّ وَغَيْرِهِ، عَنْ ابْنِ شَهَابٍ، عَنْ سَهْلِ بْنِ سَعْدٍ فِي هَذَا الْخَبَرِ قَالَ: فَطَلَّقَهَا ثَلَاثَ تَطْلِيقَاتٍ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَأَنْفَذَهُ رَسُولُ اللَّهِ ﷺ وَكَانَ مَا صُنِعَ عِنْدَ النَّبِيِّ ﷺ سُنَّةً. قَالَ سَهْلٌ: حَضَرْتُ هَذَا عِنْدَ رَسُولِ اللَّهِ ﷺ فَمَضَتْ السُّنَّةُ بَعْدُ فِي الْمُتَلَاعِنِينَ أَنْ يُفَرَّقَ بَيْنَهُمَا ثُمَّ لَا يَجْتَمِعَانِ أَبَدًا.

٢٢٥١ - حَدَّثَنَا مُسَدَّدٌ وَوَهْبُ بْنُ بَيَّانٍ وَأَحْمَدُ بْنُ عَمْرٍو بن السَّرْحِ وَعَمْرٍو بن عُثْمَانُ قَالُوا: حَدَّثَنَا سُفْيَانُ بْنُ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ مُسَدَّدٌ قَالَ: شَهِدْتُ الْمُتَلَاعِنِينَ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَأَنَا ابْنُ خَمْسٍ عَشْرَةَ [سنة]، فَفَرَّقَ بَيْنَهُمَا رَسُولُ اللَّهِ ﷺ حِينَ تَلَاعَنَّا وَتَمَّ حَدِيثُ مُسَدَّدٍ، وَقَالَ الْآخَرُونَ: إِنَّهُ شَهِدَ النَّبِيُّ ﷺ فَرَقَ بَيْنَ الْمُتَلَاعِنِينَ فَقَالَ الرَّجُلُ: كَذَبْتُ عَلَيْهَا يَا رَسُولَ اللَّهِ! إِنْ أَمْسَكْتُهَا.

قَالَ أَبُو دَاوُدَ: وَبَعْضُهُمْ لَمْ يَقُلْ عَلَيْهَا. قَالَ أَبُو دَاوُدَ: لَمْ يُتَابِعْ ابْنُ عِيْنَةَ أَحَدٌ عَلَى أَنَّهُ فَرَّقَ بَيْنَ الْمُتَلَاعِنِينَ.

say: "Against her."

Abū Dāwud said: No one has followed after Ibn 'Uyainah narrating that he separated between the two who pronounced the curse on one another. (*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، الحدود، باب من أظهر الفاحشة واللطم والتهمة بغير بينة،

Comments:

ح: ٦٨٥٤ من حديث سفيان بن عيينة به.

The couple were separated because the marriage agreement had been revoked by *Li'an*, not by divorce. The Messenger of Allāh ﷺ did not give him a command to divorce his wife. There was no need for that. The Messenger of Allāh ﷺ ruled that they were to be separated. This separation is permanent and irrevocable. This obviates the need to utter the statement of divorce.

2252. (Another chain) from Fulaih, from Az-Zuhrī, from Sahl bin Sa'd for this narration; "And she was pregnant, but he denied her pregnancy (that he was the father of the child). So her son was named after her. Then the practice was taken that the child inherit from her, and she inherit from him, whatever Allāh, the Mighty and Sublime, had willed for her." (*Ṣaḥīḥ*)

٢٢٥٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ:

حَدَّثَنَا فُلَيْحٌ عَنِ الزُّهْرِيِّ، عَنْ سَهْلِ بْنِ سَعْدٍ فِي هَذَا الْحَدِيثِ: وَكَانَتْ حَامِلًا فَأُنْكَرَ حَمْلُهَا فَكَانَ ابْنُهَا يُدْعَى إِلَيْهَا ثُمَّ جَرَتْ السُّنَّةُ فِي الْمِيرَاثِ أَنْ يَرِثَهَا وَتَرِثَ مِنْهُ مَا فَرَضَ اللَّهُ عَزَّوَجَلَّ لَهَا.

تخریج: أخرجه البخاري، التفسير، سورة النور، باب: ﴿والخامسة أن لعنة الله عليه إن كان

Comments:

من الكاذبين﴾، ح: ٤٧٤٦ عن سليمان بن داود العتكي به.

The inference is that a husband who refuses to claim the unborn baby in the womb of his wife (that is, denies he is the biological father of the unborn baby), the judge has the right to separate the couple through *Li'an*. In this case, the child shall be related to (and named after) its mother.

2253. It was reported from 'Alqamah, from 'Abdullāh (Ibn Mas'ūd): "Once, we were sitting in the *Masjid* on the night of (before) Friday, when a person from the *Anṣār* entered upon us and said: 'If a man finds another man with his wife,

٢٢٥٣ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ:

حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ [بْنِ مَسْعُودٍ] قَالَ: إِنَّا لَلَّيْلَةَ جُمُعَةٍ فِي الْمَسْجِدِ، إِذْ دَخَلَ رَجُلٌ مِنْ

and speaks about it, then you would lash him. And if he kills him, then you would kill him. And if he remains silent, he will remain silent while he is incensed with anger. I swear by Allāh, I will ask the Messenger of Allāh ﷺ about it.' The next day, he came to the Messenger of Allāh ﷺ and asked him: 'If a man finds another man with his wife, and speaks about it, then you would lash him. And if he kills him, then you would kill him. And if he remains silent, he will remain silent while he is incensed with anger.'

'The Prophet ﷺ said: 'O Allāh! Open up (a solution),' and he continued to supplicate, so the Verses of *Li'ān* were revealed: 'And those who accuse their wives, and have no witnesses besides themselves....'[1]

'And it was this man who was afflicted with this (problem) from among the people. So he came with his wife to the Messenger of Allāh ﷺ, and they pronounced the curse on one another. The man swore four times by Allāh that he is among the truthful ones, and then invoked Allāh's curse upon himself if he were among the liars. She then went to pronounce the curse, but the Prophet ﷺ said to her; 'Be cautious!' But she refused, and did it. When they both turned away, the Prophet ﷺ said: 'Perhaps she will come with it (the child being) black and curly-haired.' And she did bring him black and curly-

الأَنْصَارِ فِي الْمَسْجِدِ، فَقَالَ: لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَتَكَلَّمَ بِهِ جَلْدْتُمُوهُ، أَوْ قَتَلَ قَتَلْتُمُوهُ، فَإِنْ سَكَتَ سَكَتَ عَلَى غَيْظٍ! وَاللَّهِ! لَأَسْأَلَنَّ عَنْهُ رَسُولَ اللَّهِ ﷺ، فَلَمَّا كَانَ مِنَ الْعَدِ أَتَى رَسُولَ اللَّهِ ﷺ، فَسَأَلَهُ، فَقَالَ: لَوْ أَنَّ رَجُلًا وَجَدَ مَعَ امْرَأَتِهِ رَجُلًا فَتَكَلَّمَ بِهِ جَلْدْتُمُوهُ أَوْ قَتَلَ قَتَلْتُمُوهُ أَوْ سَكَتَ سَكَتَ عَلَى غَيْظٍ، فَقَالَ: «اللَّهُمَّ! افْتَحْ» وَجَعَلَ يَدْعُو، فَتَنَزَّلَتْ آيَةُ اللَّعَانِ: ﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ﴾ [النور: ٦] هَذِهِ الْآيَةُ، فَأَبْثَلَنِي بِهِ ذَلِكَ الرَّجُلُ مِنْ بَيْنِ النَّاسِ، فَجَاءَ هُوَ وَامْرَأَتُهُ إِلَى رَسُولِ اللَّهِ ﷺ، فَتَلَا عَنَّا، فَشَهِدَ الرَّجُلُ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ ثُمَّ لَعَنَ الْخَامِسَةَ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ. قَالَ: فَذَهَبَتْ لِتَلْتَعِنَ فَقَالَ لَهَا النَّبِيُّ ﷺ: «مَهْ»، فَأَبْثَ فَفَعَلْتُ، فَلَمَّا أَذْبَرَا قَالَ: «لَعَلَّهَا أَنْ تَجِيءَ بِهِ أَسْوَدَ جَعْدًا»، فَجَاءَتْ بِهِ أَسْوَدَ جَعْدًا.

[1] An-Nūr 24:6.

haired.” (*Sahih*)

تخریج: أخرجه مسلم، اللعان، ح: ۱۴۹۵ من حديث جرير بن عبد الحميد به.

2254. It was reported from Hishām bin Hassān, that ‘Ikrimah narrated to him, from Ibn ‘Abbās that Hilāl bin Umayyah accused his wife of committing adultery with Sharīk bin Saḥmā’. He made this accusation in front of the Prophet ﷺ, who then said: “Bring the evidence, or else the penalty (will be inflicted) on your back.” He said: “O Messenger of Allāh, if a person sees another man on his wife, should he go and find evidence?” But the Prophet ﷺ continued to say: “Bring the evidence, or else the penalty (will be inflicted) on your back.” Hilāl said: “I swear by the One Who has sent you with the truth as a Prophet, I am indeed telling the truth. And of a surety, Allāh will reveal about me something which will free the penalty from my back.” So the following was revealed: “And those who accuse their wives, and have no witnesses besides themselves...” and he continued reciting until; “he is among the truthful ones.”

The Prophet ﷺ then turned away and called for both of them. They both came, and Hilāl bin Umayyah stood and testified. And the Prophet ﷺ said: “Allāh knows that one of you two is lying, so will either of you repent?” She then stood up and testified, but when she was at the fifth one — that may the anger of Allāh be upon her if he is telling the

۲۲۵۴ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا
ابْنُ أَبِي عَدِيٍّ: أَنبَأَنَا هِشَامُ بْنُ حَسَّانَ:
حَدَّثَنِي عِكْرِمَةُ عَنْ ابْنِ عَبَّاسٍ: أَنَّ هِلَالَ بْنَ
أُمَيَّةٍ قَذَفَ امْرَأَتَهُ عِنْدَ النَّبِيِّ ﷺ بِشَرِيكَ بْنِ
سَحْمَاءَ، فَقَالَ النَّبِيُّ ﷺ: «الْبَيِّنَةُ أَوْ حَذٌّ فِي
ظَهْرِكَ»، فَقَالَ: يَا رَسُولَ اللَّهِ! إِذَا رَأَى أَحَدُنَا
رَجُلًا عَلَى امْرَأَتِهِ يَلْتَمِسُ الْبَيِّنَةَ! فَجَعَلَ النَّبِيُّ
ﷺ يَقُولُ: «الْبَيِّنَةُ وَإِلَّا فَحَذٌّ فِي ظَهْرِكَ»،
فَقَالَ هِلَالٌ: وَالَّذِي بَعَثَكَ بِالْحَقِّ نَبِيًّا! إِنِّي
لَصَادِقٌ وَلَيُزِيلَنَّ اللَّهُ فِي أَمْرِي مَا يُبْرِيءُ بِهِ
ظَهْرِي مِنَ الْحَذِّ، فَتَرَلْتُ: ﴿وَالَّذِينَ يَرْمُونَ
أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ﴾ قَرَأَ حَتَّى
بَلَغَ مِنَ الصَّادِقِينَ، فَانْصَرَفَ النَّبِيُّ ﷺ،
فَارْسَلَ إِلَيْهِمَا فَجَاءَا فَقَامَ هِلَالٌ بْنُ أُمَيَّةٍ
فَشَهِدَ وَالنَّبِيُّ ﷺ يَقُولُ: «اللَّهُ يَعْلَمُ أَنَّ
أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا مِنْ تَائِبٍ؟» ثُمَّ
قَامَتْ فَشَهِدَتْ، فَلَمَّا [كَانَتْ] عِنْدَ الْخَامِسَةِ
أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ،
وَقَالُوا لَهَا: إِنَّهَا مُوجِبَةٌ قَالَ ابْنُ عَبَّاسٍ:
فَتَلَكَّأَتْ وَتَكَصَّتْ حَتَّى ظَنَّنَا أَنَّهَا سَتَرَجُعُ،
فَقَالَتْ: لَا أَفْضَحُ قَوْمِي سَائِرَ الْيَوْمِ،
فَمَضَتْ، فَقَالَ النَّبِيُّ ﷺ: «أَبْصُرُوهَا فَإِنْ
جَاءَتْ بِهِ أَكْثَلَ الْعَيْنَيْنِ سَابِعِ الْأَلْيَتَيْنِ خَدَلَجَ
السَّافِقِينَ فَهُوَ لِشَرِيكَ بْنِ سَحْمَاءَ»، فَجَاءَتْ بِهِ
كَذَلِكَ، فَقَالَ النَّبِيُّ ﷺ: «لَوْلَا مَا مَضَى مِنْ

truth — they said to her: “This is the one that will inflict it (the anger of Allāh upon you).” So she faltered, and hesitated, until we thought that she would recant, but she said: “I will not humiliate my people for the rest of time!” And she went ahead (with the curse). So the Prophet ﷺ said: “Watch her carefully: if she brings forth (a child) whose eyes are very black, with large buttocks and heavy shins, then it is Sharīk bin Sahmā’s (child).” And she came with (a child) with those descriptions, so the Prophet ﷺ said: “Were it not for the fact that the (rulings) of the Book of Allāh have already preceded, I would have had another matter (to deal) with her.” (*Sahīh*)

Abū Dāwud said: This is among that which the people of Al-Madīnah are alone in narrating; the narration of Ibn Bash-shār, regarding the *Ḥadīth* of Hilāl.

تخريج: أخرجه البخاري، الشهادات، باب: إذا ادعى أو كذب فله أن يلتمس البينة ... إلخ، ح: ٢٦٧١ والترمذي، ح: ٣١٧٩ وابن ماجه، ح: ٢٠٦٧ ثلاثهم عن محمد بن بشار به.

2255. It was reported from ‘Āsim bin Kulaib, from his father, from Ibn ‘Abbās, that the Prophet ﷺ told a man — when he commanded two people to pronounce *Li‘ān* — to place his hand on his mouth, saying for the fifth one: “This is the one that will inflict (the punishment).” (*Sahīh*)

كِتَابُ اللَّهِ لَكَانَ لِي وَلَهَا شَأْنٌ.
قَالَ أَبُو دَاوُدَ: وَهَذَا مِمَّا تَفَرَّدَ بِهِ أَهْلُ
الْمَدِينَةِ حَدِيثُ ابْنِ بَشَّارٍ حَدِيثُ هِلَالٍ.

٢٢٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ
السَّعِيرِيُّ: حَدَّثَنَا سُفْيَانُ عَنْ عَاصِمِ بْنِ
كُلَيْبٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ
ﷺ أَمَرَ رَجُلًا حِينَ أَمَرَ الْمُتَلَاعِنِينَ أَنْ
يَتْلَاعَنَا أَنْ يَضَعَ يَدَهُ عَلَى فِيهِ عِنْدَ الْخَامِسَةِ
يَقُولُ: إِنَّهَا مُوجِبَةٌ.

تخريج: [صحيح] أخرجه النسائي، الطلاق، باب الأمر بوضع اليد على في المتلاعنين عند الخامسة، ح: ٣٥٠٢ من حديث سفيان به ولأصل الحديث شواهد.

Comments:

A judge should keep admonishing the couple from time to time, and tell them to desist from proceeding further, because invoking the curse of Allāh is a tremendous matter.

2256. It was reported from ‘Abbād bin Manṣūr, from ‘Ikrimah, from Ibn ‘Abbās, who said: “Hilāl bin Umayyah — and he was one of the three whose repentance was accepted by Allāh^[1] — returned from his land at night, and saw a man with his wife. So he saw it (the act) with his eyes and heard it with his ears. But he did not do anything until the next morning. He then went to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh, I came to my wife at night and found a man with her, and I saw (it) with my own eyes and heard with my own ears.’ But the Messenger of Allāh ﷺ disliked what he said, and found it difficult. At that, it was revealed: ‘And those who accuse their wives, and have no witnesses besides themselves...’^[2] both Verses. When (the revelation) was complete from the Messenger of Allāh ﷺ, he said: ‘Rejoice, O Hilāl. Allāh, the Glorious and Exalted, has made a way out and a passage for you.’ Hilāl said: ‘That was what I was hoping for from my Lord.’ The Messenger of Allāh ﷺ said: ‘Call for her.’ When she came, the Messenger of Allāh ﷺ recited (these Verses), and reminded them, and informed

٢٢٥٦ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا عَبَّادُ بْنُ مَنْصُورٍ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جَاءَ هِلَالُ بْنُ أُمَيَّةَ وَهُوَ أَحَدُ الثَّلَاثَةِ الَّذِينَ تَابَ اللَّهُ عَلَيْهِمْ فَجَاءَ مِنْ أَرْضِهِ عِشَاءَ فَوَجَدَ عِنْدَ أَهْلِهِ رَجُلًا، فَرَأَى بَعْثِيَّتِهِ وَسَمِعَ بِأُذُنِهِ فَلَمْ يَهْجُهُ حَتَّى أَصْبَحَ، ثُمَّ غَدَا عَلَى رَسُولِ اللَّهِ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي جِئْتُ أَهْلِي عِشَاءَ، فَوَجَدْتُ عِنْدَهُمْ رَجُلًا، فَرَأَيْتُ بَعْثِيَّتِي وَسَمِعْتُ بِأُذُنِي، فَكَرِهَ رَسُولُ اللَّهِ ﷺ مَا جَاءَ بِهِ وَاشْتَدَّ عَلَيْهِ، فَنَزَلَتْ: ﴿وَالَّذِينَ يَرْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُنْ لَهُمْ شُهَدَاءُ إِلَّا أَنْفُسُهُمْ فَشَهَدَةُ أَحَدِهِمْ﴾ [النور: ٦، ٧] الْآيَتَيْنِ كِلْتَابَتُهُمَا، فَسَرَّيَ عَنْ رَسُولِ اللَّهِ ﷺ: فَقَالَ: «أُبَشِّرْ يَا هِلَالُ! قَدْ جَعَلَ اللَّهُ [عز وجل] لَكَ فَرَجًا وَمَخْرَجًا». قَالَ هِلَالُ: قَدْ كُنْتُ أَرْجُو ذَاكَ مِنْ رَبِّي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَرْسِلُوا إِلَيْهَا»، فَجَاءَتْ فَتَلَا عَلَيْهِمَا رَسُولُ اللَّهِ ﷺ وَذَكَّرَهُمَا، وَأَخْبَرَهُمَا أَنَّ عَذَابَ الْآخِرَةِ أَشَدُّ مِنْ عَذَابِ الدُّنْيَا. فَقَالَ هِلَالُ: وَاللَّهِ! لَقَدْ صَدَقْتُ عَلَيْهَا، فَقَالَتْ: قَدْ كَذَبَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا عُنُوتَ بَيْنَهُمَا»، فَقِيلَ لِهِلَالٍ: اشْهَدْ، فَشَهِدَ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ

[1] Meaning, among those who stayed behind from the Battle of Tabūk.

[2] An-Nūr 24:6,7.

them that the punishment of the Hereafter was more severe than the punishment of this world.

“Hilāl said: ‘I swear by Allāh I have told the truth regarding her.’ She replied: ‘He has lied.’ The Messenger of Allāh ﷺ said: ‘Have the two of them pronounce the *Li’ān*.’ Hilāl was told: ‘Testify,’ so he swore by Allāh four times that he was telling the truth. When it was time for the fifth, it was said to him: ‘O Hilāl! Fear Allāh, for the punishment of this world is easier (to bear) than the punishment of the Hereafter. And this (the fifth curse) is the one that inflicts the punishment upon you.’ He said: ‘I swear by Allāh, Allāh will not punish me regarding her, just as He will not whip me due to her.’ He then testified that the curse of Allāh would be upon him if he were of the liars. She was then asked to testify, so she swore by Allāh four times that he was lying. When it was time for the fifth, she was told: ‘Fear Allāh, for the punishment of this world is easier (to bear) than the punishment of the Hereafter. And this (the fifth curse) is the one that inflicts the punishment upon you.’ So she hesitated for some time, then said: ‘By Allāh, I will not disgrace my people.’ She then testified the fifth time that the punishment of Allāh would be upon her if he were telling the truth.

“The Messenger of Allāh ﷺ then separated between them, and ruled that her child not be named after

لِمَنْ الصَّادِقِينَ، فَلَمَّا كَانَتِ الْخَامِسَةُ قِيلَ لَهَا: يَا هِلَالُ! اتَّقِ اللَّهَ فَإِنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الْآخِرَةِ، وَإِنْ هَذِهِ الْمُوجِبَةُ الَّتِي تُوجِبُ عَلَيْكَ الْعَذَابَ، فَقَالَ: وَاللَّهِ لَا يُعَذِّبُنِي اللَّهُ عَلَيْهَا كَمَا لَمْ يَجْلِدْنِي عَلَيْهَا، فَشَهِدَ الْخَامِسَةَ أَنَّ لَعْنَةَ اللَّهِ عَلَيْهِ إِنْ كَانَ مِنَ الْكَاذِبِينَ، ثُمَّ قِيلَ لَهَا: اشْهَدِي فَشَهِدَتْ أَرْبَعَ شَهَادَاتٍ بِاللَّهِ إِنَّهُ لِمَنْ الْكَاذِبِينَ، فَلَمَّا كَانَتِ الْخَامِسَةُ قِيلَ لَهَا: اتَّقِ اللَّهَ فَإِنَّ عَذَابَ الدُّنْيَا أَهْوَنُ مِنْ عَذَابِ الْآخِرَةِ، وَإِنْ هَذِهِ الْمُوجِبَةُ الَّتِي تُوجِبُ عَلَيْكَ الْعَذَابَ، فَتَلَكَّاثُ سَاعَةً، ثُمَّ قَالَتْ: وَاللَّهِ لَا أَفْضَحُ قَوْمِي فَشَهِدَتْ الْخَامِسَةَ أَنَّ غَضَبَ اللَّهِ عَلَيْهَا إِنْ كَانَ مِنَ الصَّادِقِينَ. فَفَرَّقَ رَسُولُ اللَّهِ ﷺ بَيْنَهُمَا، وَقَضَى أَنْ لَا يُدْعَى وَلَدُهَا لِأَبٍ، وَلَا تُرْمَى وَلَا يُرْمَى وَلَدُهَا، وَمَنْ رَمَاهَا أَوْ رَمَى وَلَدُهَا فَعَلَيْهِ الْحُدُ. وَقَضَى أَنْ لَا يَبْتَ لَهَا عَلَيْهِ وَلَا قُوتٌ مِنْ أَجْلِ أَنَّهُمَا يَتَفَرَّقَانِ مِنْ غَيْرِ طَلَاقٍ وَلَا مُتَوَفَّى عَنْهَا، وَقَالَ: «إِنْ جَاءَتْ بِهِ أَصْنِيبُ أُرِيصِحْ أُتَيْبِجْ حُمَشُ السَّاقَتَيْنِ فَهُوَ لِهَلَالٍ، وَإِنْ جَاءَتْ بِهِ أَوْرَقُ جَعْدًا جَمَالِيًا خَدَلَجَ السَّاقَتَيْنِ سَابِغَ الْأَلْيَتَيْنِ فَهُوَ لِلَّذِي رُمِيَ بِهِ»، فَجَاءَتْ بِهِ أَوْرَقُ جَعْدًا جَمَالِيًا خَدَلَجَ السَّاقَتَيْنِ سَابِغَ الْأَلْيَتَيْنِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَوْلَا الْأَيْمَانُ لَكَانَ لِي وَلَهَا شَأْنٌ».

قال عكرمة: فَكَانَ بَعْدَ ذَلِكَ أَمِيرًا عَلَى

[مِصْرٍ] وَمَا يُدْعَى لِأَبٍ.

any father, and that she not be accused (of adultery), nor her child (of being illegitimate), and that whoever accuses her or her child (of that) should be punished. And he also ruled that she does not have the right of a house or any sustenance from him, since they were to be separated without a divorce or death. And he said: 'If she brings him (the child) having a reddish complexion, with small buttocks, and thin frame and skinny shins, then he is Hilāl's. And if she brings him dark in color, with curly hair, and a heavy frame, having thick shins and large buttocks, then he is (the son) of the one she was accused (of adultery with).'

"So she delivered him, dark in color, with curly hair, and a heavy frame, having thick shins and large buttocks. The Messenger of Allāh ﷺ said: 'Were it not for the testimonies, I would have had a matter (to deal) with her.'"

'Ikrimah said: He (the child) later became a governor over a [Miṣr (city)], and he was not named after any father. (*Da'if*)

تخریج: [إسناده ضعيف] أخرجه أحمد: ۱/۲۳۸ عن يزيد بن هارون به * عباد بن منصور

تقدم حاله، ح: ۱۳۳.

Comments:

Scholars differ over the historical background of the Verses of *Li'ān*, and about whose case they were revealed.

2257. It was reported from 'Amr that he heard Sa'eed bin Jubair saying: "I heard Ibn 'Umar saying: 'The Messenger of Allāh ﷺ said to the two who pronounced *Li'ān*:

۲۲۵۷ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ قَالَ: سَمِعَ عُمَرُو سَعِيدَ بْنَ جُبَيْرٍ يَقُولُ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: قَالَ

“Your judgment is with Allāh. One of you two is lying.” (And he said to the man): “You have nothing to do with her.” He replied: “O Messenger of Allāh, my wealth!” He said: “No wealth (is due) to you. If you have told the truth about her, then it is that with which have permitted of her private parts, and if you have lied against her, then that is even further away from you.” (*Ṣaḥīḥ*)

رَسُولُ اللَّهِ ﷺ لِلْمُتَلَاعِنَيْنِ: «حِسَابُكُمَا عَلَى اللَّهِ، أَحَدُكُمَا كَاذِبٌ لَا سَبِيلَ لَكَ عَلَيْهَا». قَالَ: يَا رَسُولَ اللَّهِ! مَالِي. قَالَ: «لَا مَالَ لَكَ، إِنْ كُنْتَ صَدَقْتَ عَلَيْهَا فَهُوَ بِمَا اسْتَحْلَلْتَ مِنْ فَرْجِهَا، وَإِنْ كُنْتَ كَذَبْتَ عَلَيْهَا فَذَاكَ أَبْعَدُ لَكَ».

تخريج: أخرجه البخاري، الطلاق، باب قول الإمام للمتلاعنين: إن أحدكما كاذب فهل منكما تائب؟، ح: ٥٣١٢ ومسلم، اللعان، ح: ٥/١٤٩٣ من حديث سفیان بن عیینة به.

Comments:

If *Li'ān* takes place, the husband loses his right to get back any part of the dowry (*Mahr*).

2258. It was reported from Ayyub, from Sa'eed bin Jubair, who said: “I said to Ibn ‘Umar: ‘(What is the case of) a man who accused his wife of adultery?’

“He replied: ‘The Messenger of Allāh ﷺ separated between the two members of Banū Al-‘Ajlān, and he said: “Allāh knows that one of you two is lying, so will either of you repent?” He said this three times, but both of them refused. So he separated between them.”’ (*Ṣaḥīḥ*)

٢٢٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ حَبْلٍ: حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا أَيُّوبُ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: قُلْتُ لَابْنِ عُمَرَ: رَجُلٌ قَذَفَ امْرَأَتَهُ قَالَ: فَرَّقَ رَسُولُ اللَّهِ ﷺ بَيْنَ أَخَوَيْ بَنِي الْعَجْلَانِ وَقَالَ: «اللَّهُ يَعْلَمُ أَنَّ أَحَدَكُمَا كَاذِبٌ، فَهَلْ مِنْكُمَا تَائِبٌ»، يُرَدُّهَا ثَلَاثَ مَرَّاتٍ فَأَبَيَا، فَفَرَّقَ بَيْنَهُمَا.

تخريج: أخرجه البخاري، الطلاق، باب صدق الملاعة، ح: ٥٣١١ من حديث إسماعيل ابن علية، ومسلم، اللعان، ح: ٦/١٤٩٣ من حديث أيوب السخيتاني به.

2259. It was reported from Mālik, from Nāfi', from Ibn ‘Umar, that a person pronounced *Li'ān* against his wife during the time of the Messenger of Allāh ﷺ, and negated her child (being his). So the Messenger of Allāh ﷺ

٢٢٥٩ - حَدَّثَنَا الْقُعَيْبِيُّ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَجُلًا لَاعَنَ امْرَأَتَهُ فِي زَمَانِ رَسُولِ اللَّهِ ﷺ وَانْتَفَى مِنْ وَلَدِهَا، فَفَرَّقَ رَسُولُ اللَّهِ ﷺ بَيْنَهُمَا وَالْحَقَّ الْوَلَدَ بِالْمَرْأَةِ.

separated between them, and he gave the right of the child to the mother. (*Ṣaḥīḥ*)

Abū Dāwud said: Mālik is alone with saying: "And he gave the right of the child to the mother."

Yūnus reported from Az-Zuhri, from Sahl bin Sa'd, in the *Ḥadīth* about *Li'ān*: "He rejected her pregnancy, so her son was named after her." [1]

تخريج: أخرجه البخاري، الطلاق، باب: يلحق الولد بالملاعة، ح: ٥٣١٥ ومسلم، اللعان، ح: ١٤٩٤ من حديث مالك به وهو في الموطأ (يحيى): ٥٦٧/٢.

Chapter 27/28. Doubting The Child's Paternity

(المعجم ٢٧، ٢٨) بَابُ: إِذَا شَكَّ فِي
الْوَلَدِ (التحفة ٢٨)

2260. It was reported from Sufyān, from Az-Zuhri, from Sa'eed, from Abū Hurairah who said: "A man from the tribe of Banū Fazārah came to the Prophet ﷺ and said: 'My wife has given birth to a black child.' He said: 'Do you have any camels?' He said: 'Yes.' He asked: 'What colors are they?' He said: 'Red.' He asked: 'Are there any that are dark?' He said: 'Indeed, there is one that is dark.' He said: 'So where do you think that is from?' He replied: 'Perhaps it acquired it (the dark color) from one of its ancestors.' He then said: 'And this one — perhaps it (too) acquired it from one of its ancestors?' (*Ṣaḥīḥ*)

٢٢٦٠ - حَدَّثَنَا ابْنُ أَبِي خَلْفٍ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ مِنْ بَنِي فَزَارَةَ فَقَالَ: إِنَّ امْرَأَتِي جَاءَتْ بِوَلَدٍ أَسْوَدَ، فَقَالَ: «هَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ، قَالَ: «مَا أَلْوَانُهَا؟» قَالَ: حُمْرٌ، قَالَ: «فَهَلْ فِيهَا مِنْ أَوْرَقٍ؟» قَالَ: إِنَّ فِيهَا لَوُرْقًا، قَالَ: «فَأَتَى تَرَاهُ؟» قَالَ: عَسَى أَنْ يَكُونَ نَزَعُهُ عِرْقٌ، قَالَ: «وَهَذَا عَسَى أَنْ يَكُونَ نَزَعُهُ عِرْقٌ».

تخريج: أخرجه مسلم، اللعان، ح: ١٥٠٠ من حديث سفيان بن عيينة به.

Comments:

A mere difference of complexion or a different color of skin is no valid basis to deny one's child, unless there is some clear ground. For example, the birth

[1] That is no. 2247.

of a baby while the husband has been away from home for such a long period, or a birth in too short of a time after the marriage.

2261. It was reported from Ma'mar, from Az-Zuhri, with his chain and its meaning, he said: "And he was, at that time, insinuating that he would deny him (as his child)." (*Ṣaḥīḥ*)

٢٢٦١ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ بِإِسْنَادِهِ وَمَعْنَاهُ، قَالَ: وَهُوَ حِينَئِذٍ يُعَرِّضُ بَأْنَ يَنْفِيهِ.

تخريج: أخرجه مسلم، اللعان، ح: ١٥٠٠ من حديث عبدالرزاق به، انظر الحديث السابق.

2262. It was reported from Yūnus, from Ibn Shihāb, from Abū Salamah, from Abū Hurairah that a Bedouin came to the Prophet ﷺ and said: 'My wife gave birth to a black boy, and I have denied him...' and he mentioned its meaning (similar to no. 2260). (*Ṣaḥīḥ*)

٢٢٦٢ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ أَعْرَابِيًّا أَتَى النَّبِيَّ ﷺ، فَقَالَ: إِنَّ امْرَأَتِي وَلَدَتْ غُلَامًا أَسْوَدَ وَإِنِّي أَنْكِرُهُ. فَذَكَرَ مَعْنَاهُ.

تخريج: أخرجه البخاري، الاعتصام بالكتاب والسنة، باب من شبه أصلاً معلوماً بأصل مبين ... إلخ، ح: ٧٣١٤ ومسلم، اللعان، باب ١، ح: ٢٠/١٥٠٠ من حديث عبدالله بن وهب به.

Chapter 28/29. Severe Reprimand Regarding Negating One's Child

(المعجم ٢٨، ٢٩) - بَابُ التَّغْلِيظِ فِي الْإِنْتِفَاءِ (التحفة ٢٩)

2263. It was reported from Abū Hurairah, that he heard the Messenger of Allāh ﷺ say, when the Verses of *Li'ān* were revealed: "Any woman who introduces into a people someone who is not of them, Allāh has nothing to do with her, and Allāh will not admit her into His Paradise. And any man who denies his child while he is looking at him will be obstructed from Allāh, and he will be disgraced in front of the creation — the first of them and the last of them." (*Ḥasan*)

٢٢٦٣ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ يَعْنَى ابْنُ الْحَارِثِ عَنْ ابْنِ الْهَادِ، عَنْ عَبْدِ اللَّهِ بْنِ يُونُسَ، عَنْ سَعِيدِ الْمَقْبَرِيِّ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ حِينَ نَزَلَتْ آيَةُ الْمُتَلَاعِنِينَ: «أَيُّمَا امْرَأَةٍ أَدْخَلْتُ عَلَى قَوْمٍ مَنْ لَيْسَ مِنْهُمْ، فَلَيْسَتْ مِنَ اللَّهِ فِي شَيْءٍ، وَلَنْ يُدْخِلَهَا اللَّهُ جَنَّتَهُ. وَأَيُّمَا رَجُلٍ جَحَدَ وَلَدَهُ وَهُوَ يَنْظُرُ إِلَيْهِ احْتَجَبَ اللَّهُ تَعَالَى مِنْهُ وَفَضَحَهُ عَلَى رُؤُوسِ الْأَوَّلِينَ وَالْآخِرِينَ».

تخريج: [إسناده حسن] أخرجه النسائي، الطلاق، باب التغليظ في الانتفاء من الولد، ح: ٣٥١١ من حديث يزيد بن عبدالله بن الهادي، ورواه ابن ماجه، ح: ٢٧٤٣ من حديث سعيد المقبري به، وصححه ابن حبان (موارد): ١٣٣٥ والحاكم على شرط مسلم: ٢/٢٠٢، ٢٠٣ ووافقه الذهبي * عبدالله بن يونس: حسن الحديث على الراجح.

Chapter 29/30. Claiming An Illegitimate Son

(المعجم ٢٩، ٣٠) **بَابُ: فِي ادِّعَاءِ وَلَدٍ الرِّثَا (التحفة ٣٠)**

2264. It was reported from Salm, meaning Ibn Abi Adh-Dhayyāl that some of his companions narrated to him from Sa'eed bin Jubair, from Ibn 'Abbās, that he said: "The Messenger of Allāh ﷺ said: 'There is no prostitution of slave-girls in Islam. And whoever engaged in prostitution in *Jāhiliyyah* (and a child was born), then it will be ascribed to his owners (the owners of the slave-girl). And whoever claims a child outside of marriage, he will not inherit from him (the child), nor will the child inherit from him.'" (*Da'if*)

٢٢٦٤ - حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا مُعْتَمِرٌ عَنْ سَلَمٍ يَعْنِي ابْنَ أَبِي الدِّيَالِ: حَدَّثَنِي بَعْضُ أَصْحَابِنَا عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا مَسَاعَاةَ فِي الْإِسْلَامِ مَنْ سَاعَى فِي الْجَاهِلِيَّةِ فَقَدْ لَحِقَ بِعَصَبَتِهِ، وَمَنْ ادَّعَى وَلَدًا مِنْ غَيْرِ رِشْدَةٍ فَلَا يَرِثُ وَلَا يُورَثُ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ١/٣٦٢ من حديث معتمر به * بعض أصحابنا: لم أعرفه.

2265. 'Amr bin Shu'aib narrated from his father, from his grandfather, that the Prophet ﷺ ruled regarding those who wished to be considered as inheritors after their father's death — meaning those whom they ascribed themselves to. He ruled that any child that was born to a slave owned by her master, when he engaged in intercourse with her, would be considered as a part of the one who considered him (as a son). But he will not be given any inheritance that

٢٢٦٥ - حَدَّثَنَا شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا مُحَمَّدُ بْنُ رَاشِدٍ؛ ح: وَحَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا مُحَمَّدُ ابْنُ رَاشِدٍ وَهُوَ أَشْبَعُ عَنْ سُلَيْمَانَ بْنِ مُوسَى، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: إِنَّ النَّبِيَّ ﷺ قَضَى أَنَّ كُلَّ مُسْتَلْحَقٍ اسْتَلْحَقَ بَعْدَ أَبِيهِ الَّذِي يُدْعَى لَهُ ادِّعَاءُهُ وَرِثَتُهُ فَقَضَى أَنَّ كُلَّ مَنْ كَانَ مِنْ أُمَةٍ يَمْلِكُهَا يَوْمَ أَصَابَهَا فَقَدْ لَحِقَ بِمَنْ اسْتَلْحَقَهُ وَلَيْسَ لَهُ مِمَّا

had already been distributed before him. He will, however, be given his portion of the inheritance that has not yet been distributed. And such (a child) will not be considered a son if his father denied him. And if the child was from a slave whom he did not own, or from a free woman whom he had fornicating with, then the child will not be considered as his, nor will he inherit from him, even if the one who is considered his father accepts that he is the father, and that is because he is the child of fornication, regardless of whether it was from a free woman or a slave-girl. (*Hasan*)

قُسِمَ قَبْلَهُ مِنَ الْمِيرَاثِ شَيْءٌ وَمَا أَدْرَكَ مِنْ مِيرَاثٍ لَمْ يُقْسَمْ، فَلَهُ نَصِيبُهُ. وَلَا يُلْحَقُ إِذَا كَانَ أَبُوهُ الَّذِي يُدْعَى لَهُ أَنْكَرُهُ. وَإِنْ كَانَ مِنْ أَمَةٍ لَمْ يَمْلِكْهَا أَوْ حُرَّةً عَاهَرَ بِهَا، فَإِنَّهُ لَا يُلْحَقُ بِهِ وَلَا يَرِثُ، وَإِنْ كَانَ الَّذِي يُدْعَى لَهُ هُوَ ادَّعَاهُ فَهُوَ وَلَدٌ زِنْيَةٌ مِنْ حُرَّةٍ كَانَ أَوْ أَمَةٍ.

تخريج: [إسناده حسن] أخرجه ابن ماجه، الفرائض، باب: في ادعاء الولد، ح: ٢٧٤٦ من حديث محمد بن راشد به وحسنه البوصيري، ورواه أحمد: ١٨١/٢ عن يزيد بن هارون به.

2266. (Another chain) and he added: "And he was a child of *Zinā*, then it belongs to his mother's people, whether she was free or a slave. And that is reginning of Islam, as for what was distributed from wealth before Islam, then it has passed." (*Hasan*)

٢٢٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا أَبِي عَنْ مُحَمَّدِ بْنِ رَاشِدٍ بِإِسْنَادِهِ وَمَعْنَاهُ. زَادَ: وَهُوَ وَلَدٌ زِنَا لِأَهْلِ أُمِّهِ مَنْ كَانُوا، حُرَّةً أَوْ أَمَةً، وَذَلِكَ فِيمَا اسْتُلْحِقَ فِي أَوَّلِ الْإِسْلَامِ فَمَا اقْتَسَمَ مِنْ مَالٍ قَبْلَ الْإِسْلَامِ فَقَدْ مَضَى.

تخريج: [حسن] انظر الحديث السابق وأخرجه البيهقي: ٢٦٠/٦ من حديث أبي داود به.

Comments:

In the pre-Islamic Age of *Jāhiliyah*, men kept slave-girls to make them earn money or for sexual indulgence. Often they would wrangle over the ownership of a child born of a slave-girl, the owner of a slave-girl and the adulterer each claiming the child to be his own. Islam ruled that the child belongs to the owner (of the slave-girl), not the adulterer.

Chapter 30/31. Regarding *Al-Qāfah*^[1]

(المعجم ٣٠، ٣١) بَابُ: فِي الْقَافَةِ
(التحفة ٣١)

2267. It was reported from Sufyān

٢٢٦٧ - حَدَّثَنَا مُسَدَّدٌ وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ

[1] Referring to those who examine a person's traits to determine parentage.

(Ibn 'Uyainah), from Az-Zuhri, from 'Urwah, from 'Aishah, who said: "One day, the Messenger of Allāh ﷺ came to me very happy (one narrator said: happiness could be seen on his face), and he said: 'O 'Aishah! Do you know that Mujazziz Al-Mudliji saw Zaid and Usamah while their heads were covered with a cloth and their feet were exposed, and he said: "These feet are from one another."' (Ṣaḥīḥ)

Abū Dāwud said: Usamah was black, and Zaid was white.

تخريج: أخرجه البخاري، الفرائض، باب القائف، ح: ٦٧٧١ ومسلم، الرضاع، باب العمل بالحاق القائف الولد، ح: ١٤٥٩ من حديث سفیان بن عیینة به.

Comments:

The art of judging character from features of face or form of body is known as physiognomy.

2268. It was reported from Al-Laiṭh, from Ibn Shihāb, with his chain and its meaning, he said: "She said: 'He came to me very happy, the happiness was visible on his face.'" (Ṣaḥīḥ)

Abū Dāwud said: The statement "happiness was visible on his face" is not preserved by Ibn 'Uyainah.

Abū Dāwud said: "Happiness was visible on his face" was added by Ibn 'Uyainah he did not hear it from Az-Zuhri, he only heard it from someone other than Az-Zuhri. He said: "the happiness was visible" is in the narration of Al-Laiṭh and others.

Abū Dāwud said: I heard Aḥmad bin Ṣāliḥ saying: "Usamah was very black like coal, and Zaid was as

المعنى وابن السرح قالوا: حَدَّثَنَا سُفْيَانُ عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ قَالَتْ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ - قَالَ مُسَدَّدٌ وَابْنُ السَّرْحِ يَوْمًا مَسْرُورًا وَقَالَ عُثْمَانُ: تُعَرَفُ أَسَارِيرُ وَجْهِهِ، فَقَالَ: «أَيُّ عَائِشَةَ! أَلَمْ تَرَيَّ أَنَّ مُجَزَّزًا الْمُدَلِجِيَّ رَأَى زَيْدًا وَأُسَامَةَ قَدْ غَطَّيَا رُؤُوسَهُمَا بِقَطِيفَةٍ وَبَدَّتْ أَفْدَامُهُمَا فَقَالَ: إِنَّ هَذِهِ الْأَفْدَامَ بَعْضُهَا مِنْ بَعْضٍ».

قَالَ أَبُو دَاوُدَ: كَانَ أُسَامَةُ أَسْوَدَ وَكَانَ زَيْدٌ أَبْيَضَ.

٢٢٦٨ - حَدَّثَنَا قُتَيْبَةُ: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ بِإِسْنَادِهِ وَمَعْنَاهُ قَالَ: قَالَتْ: دَخَلَ عَلَيَّ مَسْرُورًا تَبَرَّقُ أَسَارِيرُ وَجْهِهِ. قَالَ أَبُو دَاوُدَ: وَكَانَ أُسَامَةُ أَسْوَدَ وَكَانَ زَيْدٌ أَبْيَضَ.

قَالَ أَبُو دَاوُدَ: وَأَسَارِيرُ وَجْهِهِ لَمْ يَحْفَظْهُ ابْنُ عُيَيْنَةَ.

قَالَ أَبُو دَاوُدَ: أَسَارِيرُ وَجْهِهِ هُوَ تَدْلِيسٌ مِنْ ابْنِ عُيَيْنَةَ لَمْ يَسْمَعْهُ مِنَ الزُّهْرِيِّ إِنَّمَا سَمِعَ الْأَسَارِيرَ مِنْ غَيْرِ الزُّهْرِيِّ. قَالَ: وَالْأَسَارِيرُ فِي حَدِيثِ اللَّيْثِ وَغَيْرِهِ.

قَالَ أَبُو دَاوُدَ: وَسَمِعْتُ أَحْمَدَ بْنَ صَالِحٍ يَقُولُ: كَانَ أُسَامَةُ شَدِيدَ السَّوَادِ مِثْلَ الْقَارِ

white as cotton.”

وَكَانَ زَيْدٌ أَبْيَضَ مِثْلَ الْقُطْنِ.

تخریج: متفق عليه عن قتیبة بن سعید به انظر الحديث السابق.

Comments:

If a child is claimed by several persons or a woman is suspected of having slept with several persons, it being unclear whose child it is, an expert and honest physiognomist may be asked to decide the issue. If physiognomy were a false science, the Messenger of Allāh ﷺ would not rejoice at the statement of the physiognomist.

Chapter 31/32. Those Who Said That Lots Should Be Drawn If They Differ About The Child

(المعجم ٣١، ٣٢) - بَابُ مَنْ قَالَ بِالْقُرْعَةِ
إِذَا تَنَازَعُوا فِي الْوَلَدِ (التحفة ٣٢)

2269. It was reported from ‘Abdullāh bin Al-Khalīl, from Zaid bin Arqam, who said: “I was sitting with the Prophet ﷺ when a person came from Yemen and said: ‘Three people from the people of Yemen came to ‘Alī arguing over a child. And they all had intercourse with a woman, in the same time frame, between two cycles. He asked two of them: “Give up the child to this one,” but they became argumentative. Then he said to another two: “Give up the child to this one,” but they became argumentative. The he said to another two: “Give up the child to this one,” but they became argumentative. So he said: “You are a group of partners (in the act) who are differing with each other. I am going to draw lots between you, so whoever pulls (the correct) lot will get the child, and he must pay the other two companions two-thirds of the blood money.” And he then gave (the child) to the one who won the lot.’ At this, the Messenger of Allāh ﷺ laughed (so

٢٢٦٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ
الْأَجْلَحِ، عَنْ الشَّعْبِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ
الْخَلِيلِ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: كُنْتُ جَالِسًا
عِنْدَ النَّبِيِّ ﷺ فَجَاءَ رَجُلٌ مِنَ الْيَمَنِ فَقَالَ:
إِنَّ ثَلَاثَةً نَفَرَ مِنْ أَهْلِ الْيَمَنِ اتَّوَا عَلِيًّا
يَخْتَصِمُونَ إِلَيْهِ فِي وَلَدٍ، وَقَدْ وَقَعُوا عَلَى
امْرَأَةٍ فِي طَهْرٍ وَاحِدٍ، فَقَالَ لِاثْنَيْنِ: طِيبَا
بِالْوَلَدِ لِهَذَا فَعَلَيَّا، ثُمَّ قَالَ لِاثْنَيْنِ: طِيبَا
بِالْوَلَدِ لِهَذَا فَعَلَيَّا، ثُمَّ قَالَ لِاثْنَيْنِ: طِيبَا
بِالْوَلَدِ لِهَذَا فَعَلَيَّا فَقَالَ: أَنْتُمْ شُرَكَاءُ
مُتَسَاكِسُونَ إِنِّي مُفْرَعٌ بَيْنَكُمْ، فَمَنْ قَرَعَ فَلَهُ
الْوَلَدُ، وَعَلَيْهِ لِصَاحِبِيهِ ثُلَاثَا الدِّيَةِ، فَأَقْرَعَ
بَيْنَهُمْ، فَجَعَلَهُ لِمَنْ قَرَعَ، فَضَحِكَ رَسُولُ اللَّهِ
ﷺ حَتَّى بَدَتْ أَضْرَاسُهُ أَوْ نَوَاجِذُهُ.

hard) that his molar teeth, or his incisors, could be seen.” (*Da‘if*)

تخريج: [إسناده ضعيف] أخرجه النسائي، الطلاق، باب القرعة في الولد إذا تنازعا فيه ... إلخ، ح: ٣٥١٩ من حديث الأجلح به وصححه الحاكم ١٣٥/٣، ١٣٦ من حديث عبدالرزاق * الثوري مدلس وعنن، وللحديث شواهد ضعيفة.

2270. It was reported from ‘Abd Khair, from Zaid bin Arqam, who said: “When ‘Alī, may Allāh be pleased with him, was in Yemen, three people were brought to him. They had all engaged in intercourse with a woman, in the same time frame, between two cycles. He asked two of them: ‘Will you agree to give the child to this one?’ They both replied: ‘No.’ And he asked all of them similarly, but every time he would ask any two, they would respond, ‘No.’ So he drew lots between them, and then gave the child to the one who drew the lot, and also made him pay two — thirds of the blood money. This was then mentioned to the Prophet ﷺ, who laughed until his molars could be seen.” (*Hasan*)

٢٢٧٠ - حَدَّثَنَا خُشَيْشُ بْنُ أَصْرَمَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا الثَّوْرِيُّ عَنْ صَالِحِ الْهَمْدَانِيِّ، عَنِ الشَّعْبِيِّ، عَنْ عَبْدِ حَكِيمٍ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ: أَتَى عَلِيٌّ رَضِيَ اللَّهُ عَنْهُ بِثَلَاثَةٍ وَهُوَ بِالْيَمَنِ وَقَعُوا عَلَى امْرَأَةٍ فِي طَهْرٍ وَاحِدٍ. فَسَأَلَ اثْنَيْنِ: أَتَقْرَانِ لِهَذَا بِالْوَلَدِ؟ قَالَا: لَا، حَتَّى سَأَلَهُمْ جَمِيعًا، فَجَعَلَ كُلَّمَا سَأَلَ اثْنَيْنِ قَالَا: لَا، فَأَقْرَعَ بَيْنَهُمْ، فَأَلْحَقَ الْوَلَدَ بِالَّذِي صَارَتْ عَلَيْهِ الْقُرْعَةُ، وَجَعَلَ عَلَيْهِ ثُلُثَي الدِّيَةِ. قَالَ: فَذَكَرَ ذَلِكَ لِلنَّبِيِّ ﷺ فَضَحِكَ حَتَّى بَدَتْ نَوَاجِذُهُ.

تخريج: [حسن] أخرجه النسائي، الطلاق، باب القرعة في الولد إذا تنازعا فيه ... إلخ، ح: ٣٥١٨ عن خشيش بن أصرم به ورواه ابن ماجه، ح: ٢٣٤٨ من حديث عبدالرزاق، وللحديث طرق كثيرة عند الحميدي، (ح: ٧٨٦) وغيره.

Comments:

When both the sides of a matter (pros and cons) seem to be almost the same or of an equal weight and it becomes difficult to decide, it is then permissible to decide the issue by means of lots as ‘Alī, may Allāh be pleased with him, did, or, as the Messenger of Allāh ﷺ used to do for choosing any one of his wives to accompany him on his journey.

2271. It was reported from Salamah, that Ash-Sh‘abī heard from Al-Khalīl or Ibn Al-Khalīl, who said: “A woman was brought

٢٢٧١ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مَعَاذٍ، حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ سَلَمَةَ سَمِعَ الشَّعْبِيِّ، عَنِ الْخَلِيلِ أَوْ ابْنِ الْخَلِيلِ قَالَ: أَتَى عَلِيٌّ بِنُ

to 'Alī, may Allāh be pleased with him, and she had given birth from three men." He narrated similarly, but he did not mention Yemen, nor the Prophet ﷺ, nor 'Alī's asking the other two to give up the child (to the third). (*Da'if*)

Chapter 32/33. Regarding The Types Of Marriages That Were Practiced Before Islam

2272 'Āishah, may Allāh be pleased with her, the wife of the Prophet ﷺ, narrated that there were four types of marriages that were practiced in *Jāhiliyyah*. There was a type which is what the people do today: A man would propose to another man (guardian) for his female ward's (hand in marriage), and would give her a dowry and then marry her. Another type was that a man would say to his wife, after she had finished her menses: 'Call so-and-so, and mate with him,' and her husband would avoid her until it was clear that she was pregnant from that other man whom she was mating with. After her pregnancy was apparent, her husband could then enjoy her if he pleased. And they would only do that type because they desired a bright (and noble) child. This type of marriage was called: 'Mating marriage.' Another type of marriage was that a group of men, less than ten, would visit a woman, all of them enjoying her. So if she became pregnant and gave birth, then a few nights after her delivery,

أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ فِي امْرَأَةٍ وَلَدَتْ مِنْ ثَلَاثَةِ نَحْوِهِ، لَمْ يَذْكُرْ: الْيَمَنَ وَلَا النَّبِيَّ ﷺ وَلَا قَوْلَهُ: طَيِّبًا بِالْوَلَدِ.

تخريج: [ضعيف] انظر الحديث السابق.

(المعجم ٣٢، ٣٣) بَابُ: فِي وُجُوهِ النِّكَاحِ الَّتِي كَانَ يَتَنَكَحُ بِهَا أَهْلُ الْجَاهِلِيَّةِ (التحفة ٣٣)

٢٢٧٢ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْسَةُ بْنُ خَالِدٍ: حَدَّثَنِي يُونُسُ بْنُ يَزِيدَ قَالَ: قَالَ مُحَمَّدُ بْنُ مُسْلِمٍ: بَنُ شِهَابٍ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا زَوَّجَ النَّبِيَّ ﷺ أَخْبَرَتْهُ أَنَّ النِّكَاحَ كَانَ فِي الْجَاهِلِيَّةِ عَلَى أَرْبَعَةِ أَنْحَاءٍ، فَنِكَاحٌ مِنْهَا يَنْكَاحُ النَّاسَ الْيَوْمَ، يَخْطُبُ الرَّجُلُ إِلَى الرَّجُلِ وَلَيْتَهُ قِضْدُفُهَا ثُمَّ يُنْكِحُهَا، وَنِكَاحٌ آخَرُ: كَانَ الرَّجُلُ يَقُولُ لِامْرَأَتِهِ إِذَا طَهَّرَتْ مِنْ طَمَثِهَا أَرْسِلِي إِلَى فُلَانٍ فَاسْتَبْضِعِي مِنْهُ، وَيَعْتَزِّلُهَا زَوْجُهَا وَلَا يَمَسُّهَا أَبَدًا حَتَّى يَبَيِّنَ حَمْلُهَا مِنْ ذَلِكَ الرَّجُلِ الَّذِي تَسْتَبْضِعُ مِنْهُ، فَإِذَا بَيَّنَّ حَمْلُهَا أَصَابَهَا زَوْجُهَا إِنْ أَحَبَّ، وَإِنَّمَا يَفْعَلُ ذَلِكَ رَغْبَةً فِي نَجَابَةِ الْوَلَدِ، فَكَانَ هَذَا النِّكَاحُ يُسَمَّى نِكَاحَ الْإِسْتِبْضَاعِ، وَنِكَاحٌ آخَرُ: يَجْتَمِعُ الرِّهْطُ دُونَ الْعَشْرَةِ فَيَدْخُلُونَ عَلَى الْمَرْأَةِ كُلُّهُمْ يُصِيبُهَا، فَإِذَا حَمَلَتْ وَوَضَعَتْ، وَمَرَّ لَيَالٍ بَعْدَ أَنْ تَضَعَ حَمْلَهَا أَرْسَلَتْ إِلَيْهِمْ فَلَمْ يَسْتَطِعْ رَجُلٌ مِنْهُمْ أَنْ

she would call for all of them, and none of them could refuse to come. When they would all gather, she would say to them: 'You know (the result) of what you have done, and I have given birth, and he is your child: O so-and-so,' and she would name whomever she pleased, so her child would be considered his. And the fourth type was that a lot of men would enter upon a woman, for she would not turn away any that came to her — and these were the prostitutes. They would place flags on their doors, and these would act as signs; whoever wanted them would enter in upon them. If she became pregnant and gave birth, then after her delivery, they would all gather and call a *Qāfah*. Then the child would be given to the one whom he saw fit, and so it would be given to him, and called his son. None could refuse that. So when Allāh sent Muḥammad ﷺ, he obliterated all the marriages of the People of *Jāhiliyyah* except for the marriage of the Muslims today. (*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، النكاح، باب من قال: لا نكاح إلا بولي... إلخ، ح: ٥١٢٧ عن أحمد بن صالح به.

Chapter 33/34. "The Child Belongs To The Bed"

2273. 'Āishah narrated: "Sa'd bin Abī Waqqāṣ and 'Abd bin Zam'ah contended in front of the Messenger of Allāh ﷺ regarding a son that was born to the slave woman of Zam'ah. Sa'd said: 'My

يَمْتَنِعُ حَتَّى يَجْتَمِعُوا عِنْدَهَا فَتَقُولُ لَهُمْ: قَدْ عَرَفْتُمْ الَّذِي كَانَ مِنْ أَمْرِكُمْ وَقَدْ وَلَدْتُ وَهُوَ ابْنُكَ يَا فُلَانُ! فَتُسَمِّي مَنْ أَحَبَّتْ مِنْهُمْ بِاسْمِهِ فَيُلْحَقُ بِهِ وَلَدُهَا، وَنِكَاحُ رَابِعٍ يَجْتَمِعُ النَّاسُ الْكَثِيرُ فَيَدْخُلُونَ عَلَى الْمَرْأَةِ لَا تَمْتَنِعُ مِمَّنْ جَاءَهَا وَهِيَ الْبَغَايَا كُنَّ يَنْصِبْنَ عَلَى أَبْوَابِهِنَّ رَايَاتٍ تَكُنُّ عَلَمًا لِمَنْ أَرَادَهُنَّ دَخَلَ عَلَيْهِنَّ، فَإِذَا حَمَلَتْ فَوَضَعَتْ حَمْلَهَا جُمِعُوا لَهَا وَدَعَوْا لَهُمْ الْقَافَةَ، ثُمَّ أَلْحَقُوا وَلَدَهَا بِالَّذِي يَرَوْنَ، فَالْتَاطَهُ وَدُعِيَ ابْنُهُ لَا يَمْتَنِعُ مِنْ ذَلِكَ. فَلَمَّا بَعَثَ اللَّهُ مُحَمَّدًا ﷺ، هَدَمَ نِكَاحَ أَهْلِ الْجَاهِلِيَّةِ كُلِّهِ إِلَّا نِكَاحَ أَهْلِ الْإِسْلَامِ الْيَوْمَ.

(المعجم ٣٣، ٣٤) بَابُ: الْوَلَدُ لِلْفِرَاشِ

(التحفة ٣٤)

٢٢٧٣ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ وَمُسَدَّدٌ قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: اِخْتَصَمَ سَعْدُ بْنُ أَبِي وَقَّاصٍ وَعَبْدُ بْنُ زَمْعَةَ إِلَى رَسُولِ اللَّهِ ﷺ فِي ابْنِ أُمَةٍ

brother 'Utbah commanded me to find the son of the slave woman of Zam'ah when I arrive in Makkah and take him, because he is his son.' And 'Abd bin Zam'ah said: 'He is my brother, the son of my father's slave woman. He was born in my father's bed.' The Messenger of Allāh ﷺ saw clearly that he resembled 'Utbah, but said: 'The child is ascribed to the bed, and the *Hajar* (stone) is for the *Āhir* (fornicator).^[1] O Sawdah! Wear your *Hijāb* in front of him." Musad-dad (one of the narrators) added: "He is your brother, O 'Abd." (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الخصومات، باب دعوى الوصي للميت، ح: ٢٤٢١، ومسلم، الرضاع، باب الولد للفراش وتوقي الشبهات، ح: ١٤٥٧ من حديث سفيان بن عيينة به.

Comments:

All these cases date back to the Age of *Jāhiliyyah* when such nasty things were common and the pagans did not feel ashamed of children born out of wedlock. But Islam has ruled the child "belongs to the owner of the bed." From the face of the child in the afore-mentioned case, it appeared that he was the son of 'Utbah, and that he was an illegitimate child, but in his case the rule was followed and he was given over to "the owner of the bed."

2274. 'Amr bin Shu'aib narrated from his father, from his grandfather that a man stood up in front of the Messenger of Allāh ﷺ and said: "So-and-so is my son, for I fornicated with his mother in the times of *Jāhiliyyah*." The Messenger of Allāh ﷺ said: 'There is no prescribing (of genealogies) in

زَمْعَةٍ، فَقَالَ سَعْدٌ: أَوْصَانِي أَخِي عُبْتَةُ إِذَا قَدِمْتُ مَكَّةَ أَنْ أَنْظُرُ إِلَى ابْنِ أُمِّةٍ زَمْعَةٍ فَأَقْبِضُهُ فَإِنَّهُ ابْنُهُ، وَقَالَ عَبْدُ بْنُ زَمْعَةَ: أَخِي، ابْنُ أُمِّةٍ أَبِي، وَلِدَ عَلَى فِرَاشِ أَبِي، فَرَأَى رَسُولُ اللَّهِ ﷺ شَبَهَا بَيْنَا بَعْتَةَ، فَقَالَ: «الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ وَاحْتَجَبِي مِنْهُ يَا سَوْدَةُ». زَادَ مُسَدَّدٌ فِي حَدِيثِهِ فَقَالَ: «هُوَ أَخُوكَ يَا عَبْدُ».

٢٢٧٤ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا حُسَيْنُ الْمُعَلَّمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَامَ رَجُلٌ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ فَلَانًا ابْنِي عَاهَرْتُ بِأُمِّهِ فِي الْجَاهِلِيَّةِ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا دَعْوَةَ فِي الْإِسْلَامِ، ذَهَبَ أَمْرُ

^[1] Some scholars are of the opinion that: "The *Hajar* (stone) is for the *Āhir* (fornicator)" refers to stoning, but others explained that stoning is not for the fornicator, but the one who has been married and fornicates, and that the *Ḥadīth* means the fornicator does not get anything; no rights over the child, nor inheritance, etc. See the commentary of An-Nawawī on *Ṣaḥīḥ Muslim* (no. 3613,3136,1457); Ibn Hajar in *Fath Al-Bārī* (no. 6750); 'Awn Al-Ma'būd; and Minnat Al-Mun'im the commentary on *Ṣaḥīḥ Muslim* by our *Shaykh* Ṣafiur-Raḥmān Al-Mubarakpūrī, may Allah have mercy upon him.

Islam. The customs of *Jāhiliyyah* have all gone. The child is ascribed to the bed, and the *Hajar* (stone) is for the '*Āhir* (fornicator).'" (*Hasan*)

الْجَاهِلِيَّةِ، الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ».

تخریج: [إسناده حسن] أخرجه أحمد: ۲۰۷/۲ عن يزيد بن هارون به.

2275. It was reported from Rabāḥ the slave of Al-Ḥasan bin 'Alī bin Abī Ṭalib, that he said: "My family (those who owned him) married me to a Roman slave-girl of theirs, so I had intercourse with her. She gave birth to a black son, like me, and I named him 'Abdullāh. Then I engaged in intercourse with her, and she gave birth to a black son like me, and I named him 'Ubaidullāh. But then a Roman slave of my master's, by the name of Yuḥannah, ruined her, and spoke with her in their language. She gave birth to a boy who looked like a lizard. I said to her: 'What is this?' She replied: 'This is Yuḥannah's (child).' So we complained to 'Uthmān regarding the both of them. He asked them, and they both confessed (to the fornication). He said to them: 'Are you willing that I judge between you with the judgment of the Messenger of Allāh ﷺ? The Messenger of Allāh ﷺ ruled that the child is ascribed to the bed'" — (one of the narrators said) I think he said: "So he lashed him, and lashed her, and they were both slaves." (*Da'if*)

۲۲۷۵ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا مَهْدِيُّ بْنُ مَيْمُونٍ أَبُو يَحْيَى: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ أَبِي يَعْقُوبَ عَنْ الْحَسَنِ بْنِ سَعْدٍ مَوْلَى الْحَسَنِ بْنِ عَلِيٍّ بْنِ أَبِي طَالِبٍ، عَنْ رَبَاحٍ قَالَ: زَوَّجَنِي أَهْلِي أَمَةً لَهُمْ رُومِيَّةٌ، فَوَقَعْتُ عَلَيْهَا، فَوَلَدَتْ غُلَامًا أَسْوَدَ مِثْلِي، فَسَمَّيْتُهُ عَبْدَ اللَّهِ، ثُمَّ وَقَعْتُ عَلَيْهَا فَوَلَدَتْ غُلَامًا أَسْوَدَ مِثْلِي فَسَمَّيْتُهُ عُبَيْدَ اللَّهِ، ثُمَّ طَبِنَ لَهَا غُلَامٌ لِأَهْلِي رُومِيٌّ يُقَالُ لَهُ يُوحَنَّةٌ، فَرَاطَنَهَا بِلِسَانِهِ فَوَلَدَتْ غُلَامًا كَأَنَّهُ وَرَعَةٌ مِنَ الْوَرَعَاتِ، فَقُلْتُ لَهَا: مَا هَذَا؟ قَالَتْ: هَذَا لِيُوحَنَّةَ، فَرَفَعْنَا إِلَى عُثْمَانَ - أَحْسِبُهُ قَالَ مَهْدِيُّ: قَالَ: فَسَأَلَهُمَا، فَأَعْتَرَفَا - فَقَالَ لَهُمَا: أَنْتَرَضِيَانِ أَنْ أَقْضِيَ بَيْنَكُمَا بِقَضَاءِ رَسُولِ اللَّهِ ﷺ، إِنَّ رَسُولَ اللَّهِ ﷺ قَضَى أَنَّ الْوَلَدَ لِلْفِرَاشِ، وَأَحْسِبُهُ قَالَ: فَجَلَدَهَا وَجَلَدَهُ وَكَانَا مَمْلُوكَيْنِ.

تخریج: [إسناده ضعيف] أخرجه أحمد: ۶۹،۵۹/۱ عن مهدي بن ميمون به * رباح مجهول، ذكره ابن حبان في الثقات: ۲۳۸/۴ وقال: "لا أدري من هو ولا ابن من هو؟".

Chapter 34/35. Who Has More Right To Take The Child?

2276. ‘Amr bin Shu’aib narrated from his father, from his grandfather that a woman said: “O Messenger of Allāh! This son of mine: My womb was a protective bag for him, and my breasts were his sustenance, and my house was a protection for him. Now, his father has divorced me, and wishes to take him away from me.” The Messenger of Allāh ﷺ said to her: “You have more right to him, as long as you do not re-marry.” (*Hasan*)

(المعجم ٣٤، ٣٥) - بَابُ مَنْ أَحَقُّ بِالْوَلَدِ
(التحفة ٣٥)

٢٢٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ السُّلَمِيُّ: حَدَّثَنَا الْوَلِيدُ عَنْ أَبِي عَمْرٍو يَعْنِي الْأَوْزَاعِيَّ: حَدَّثَنِي عَمْرُو بْنُ شُعَيْبٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرٍو: أَنَّ امْرَأَةً قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ ابْنِي هَذَا كَانَ بَطْنِي لَهُ وَعَاءً، وَتَدْيِي لَهُ سِفَاءً، وَحِجْرِي لَهُ حِوَاءً، وَإِنَّ أَبَاهُ طَلَّقَنِي وَأَرَادَ أَنْ يَنْتَزِعَهُ مِنِّي، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «أَنْتِ أَحَقُّ بِهِ مَا لَمْ تَنْكِحِي».

تخريج: [حسن] أخرجه أحمد: ١٨٢/٢، ٢٠٣ من حديث عمرو بن شعيب به وصحه الحاكم: ٢٠٧/٢ ووافقه الذهبي * الوليد بن مسلم: صرح بالسماع.

Comments:

This authentic *Hadīth* proves that, until a mother marries again, she has the right to keep the child more than the father and, even after marriage, she has the right to keep the child with her with the consent of the father. In case he does not agree, the child will be given over to the father.

2277. It was reported from Abū Maimūnah Salmā, the freed-slave of some people of Al-Madīnah, a truthful man, that he said: “Once, while I was sitting with Abū Hurairah, a Persian lady came to him with a son of hers. Her husband had divorced her, and both of them were claiming him. She said, speaking to him in Farsi, ‘My husband wishes to take my son.’ Abū Hurairah replied: ‘Draw lots over him,’ and he spoke to her (in her language). Her husband then came and said: ‘Who is trying to snatch my child away from me?’ Abū Hurairah said: ‘O Allāh! I am

٢٢٧٧ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ الْخَلَوَانِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ وَأَبُو عَاصِمٍ عَنْ ابْنِ جُرَيْجٍ: أَخْبَرَنِي زَيْدٌ عَنْ هِلَالِ بْنِ أَسَمَةَ، أَنَّ أَبَا مَيْمُونَةَ سَلَمَى مَوْلَى مِنْ أَهْلِ الْمَدِينَةِ رَجُلٌ صَدَقَ قَالَ: بَيْنَمَا أَنَا جَالِسٌ مَعَ أَبِي هُرَيْرَةَ جَاءَتْهُ امْرَأَةٌ فَارِسِيَّةٌ مَعَهَا ابْنٌ لَهَا فَادَّعَاهُ وَقَدْ طَلَّقَهَا زَوْجَهَا، فَقَالَتْ: يَا أَبَا هُرَيْرَةَ - رَطَطْتُ لَهُ بِالْفَارِسِيَّةِ - زَوْجِي يُرِيدُ أَنْ يَذْهَبَ بَانِي، فَقَالَ أَبُو هُرَيْرَةَ: اسْتَهَمَا عَلَيْهِ، وَرَطَطَ لَهَا بِذَلِكَ، فَجَاءَ زَوْجُهَا فَقَالَ: مَنْ يُحَاقِنِي فِي وَلَدِي؟ فَقَالَ أَبُو هُرَيْرَةَ:

only saying this because I heard a woman who had come to the Messenger of Allāh ﷺ while I was sitting with him who said: "O Messenger of Allāh, my husband wishes to take my son away from me, even though he gives me water from the well of Abū 'Inabah, and is of benefit to me." So the Messenger of Allāh ﷺ replied: "Draw lots over him." But her husband said: "Who is trying to snatch my child away from me?" The Prophet ﷺ then said: "This is your father, and this is your mother. Take the hand of whichever you please." And he took the hand of his mother, so she took him away." (*Saḥīḥ*)

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الأحكام، باب تخيير الصبي بين أبويه، ح: ٢٣٥١ من حديث زياد بن سعد به وقال الترمذي، ح: ١٣٥٧. "حسن صحيح".

Comments:

Children may be given the right of choice in the afore-mentioned conditions if they have grown up to an age of sound judgment.

2278. It was reported from Nāfi' bin 'Ujairah, from his father, from 'Alī, may Allāh be pleased with him, who said: "Zaid bin Ḥārithah left for Makkah, and brought back Ḥamzah's daughter. Ja'far said: 'I will take her, for I have more right to her. She is the daughter of my uncle, and I am married to her maternal aunt, and a maternal aunt is (like) a mother.'" But 'Alī said: "I have more right to her. She is the daughter of my uncle, and I am married to the daughter of the Messenger of Allāh ﷺ, and she has more right to her." Zaid said: "I have more right to her. I was the

اللَّهُمَّ! إِنِّي لَا أَقُولُ هَذَا إِلَّا أَنِّي سَمِعْتُ امْرَأَةً جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ وَأَنَا قَاعِدٌ عَنْدهُ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ زَوْجِي يُرِيدُ أَنْ يَذْهَبَ بَابْنِي وَقَدْ سَقَانِي مِنْ بئر أَبِي عَتَبَةَ وَقَدْ نَفَعَنِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اِسْتَهْمَا عَلَيْهِ» فَقَالَ زَوْجُهَا: مَنْ يُحَاقِنِي فِي وَلَدِي؟ فَقَالَ النَّبِيُّ ﷺ: «هَذَا أَبُوكَ، وَهَذِهِ أُمُّكَ، فَخُذْ بِيَدِ أَيِّهِمَا شِئْتَ»، فَأَخَذَ بِيَدِ أُمِّهِ، فَانْطَلَقَتْ بِهِ.

٢٢٧٨ - حَدَّثَنَا الْعَبَّاسُ بْنُ عَبْدِ الْعَظِيمِ: حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ عَمْرِو: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ يَزِيدَ بْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ نَافِعِ بْنِ عُجَيْرٍ، عَنْ أَبِيهِ، عَنْ عَلِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: خَرَجَ زَيْدُ ابْنِ حَارِثَةَ إِلَى مَكَّةَ فَقَدِمَ بِابْنَةِ حَمَزَةَ، فَقَالَ جَعْفَرُ: أَنَا أَخُذُهَا، أَنَا أَحَقُّ بِهَا، ابْنَةُ عَمِّي وَعِنْدِي خَالَتُهَا وَإِنَّمَا الْخَالَةُ أُمٌّ، فَقَالَ عَلِيُّ: أَنَا أَحَقُّ بِهَا، ابْنَةُ عَمِّي، وَعِنْدِي ابْنَةُ رَسُولِ اللَّهِ ﷺ وَهِيَ أَحَقُّ بِهَا، فَقَالَ زَيْدٌ: أَنَا أَحَقُّ بِهَا، أَنَا خَرَجْتُ إِلَيْهَا وَسَافَرْتُ وَقَدِمْتُ بِهَا،

one who left to (get) her, and traveled for her, and brought her back.” The Prophet ﷺ came out” — and he mentioned the narration — he said: “And as for the little girl, I rule that she should go to Ja’far so that she will be with her maternal aunt. And verily, the maternal aunt is a mother.”

(*Hasan*)

تخريج: [حسن] أخرجه البزار في البحر الزخار: ٣/١٠٥، ١٠٦، ح: ٨٩١ من حديث عبد الملك بن عمرو أبي عامر به مطولاً وله طريق آخر عند البيهقي: ٦/٨.

Comments:

In the matter of bringing up and taking care of children, priority is given to the mother, as mentioned in the foregoing *Hadith*, followed by the maternal aunt, followed by paternal relatives. According to Ibn Taimiyyah and Ibn Al-Qayyim, while keeping in view this order of priority, it is also very important to take into account the interest of the child, his present and his future.

2279. (Another chain) ‘from ‘Abdur-Rahmān bin Abī Lailā with this narration, not it its complete form, he said: “So he ruled that she be given to Ja’far, since her maternal aunt was with him.”

(*Hasan*)

٢٢٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي قُرَّةَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى بِهَذَا الْخَبَرِ وَلَيْسَ بِتَمَامِهِ قَالَ: وَقَضَى بِهَا لِجَعْفَرٍ لِأَنَّ خَالَتَهَا عِنْدَهُ.

تخريج: [حسن] انظر الحديث السابق وللحديث شواهد.

2280. (Another chain) from Hānī’ and Hubairah, from ‘Alī, who said: “When we left Makkah, Ḥamzā’s daughter followed us, crying: ‘O uncle, O uncle!’” So ‘Alī took her hand and brought her, and said (to Fāṭimah): “Take your uncle’s daughter,” so she took her. And Ja’far said: “My uncle’s daughter, and her maternal aunt is with me!” So the Prophet ﷺ ruled that she be given to her maternal aunt, and said: “The maternal aunt is similar in status to a mother.” (*Da’if*)

٢٢٨٠ - حَدَّثَنَا عَبَّادُ بْنُ مُوسَى أَنَّ إِسْمَاعِيلَ بْنَ جَعْفَرٍ حَدَّثَهُمْ عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ هَانِيٍّ وَهَبِيرَةَ، عَنْ عَلِيٍّ قَالَ: لَمَّا خَرَجْنَا مِنْ مَكَّةَ تَبِعَتْنَا بِنْتُ حَمْزَةَ تُنَادِي: يَا عَمُّ! يَا عَمُّ! فَتَنَاولَهَا عَلِيٌّ فَأَخَذَ بِيَدِهَا وَقَالَ: دُونَكِ بِنْتُ عَمِّكِ، فَحَمَلَتْهَا، فَقَصَّ الْخَبَرَ، قَالَ: وَقَالَ جَعْفَرٌ: ابْنَةُ عَمِّي وَخَالَتُهَا تَحْتِي، فَقَضَى بِهَا النَّبِيُّ ﷺ لِخَالَتِهَا وَقَالَ: «الْخَالَةُ بِمَنْزِلَةِ الْأُمِّ».

تخريج: [إسناده ضعيف] وأخرجه أحمد: ١/٩٨، ١١٥ من حديث إسرائيل به، وصححه

الحاكم: ١٢/٣، ووافقه الذهبي وسنده ضعيف، أبو إسحاق مدلس وعنعن.

Chapter 35/36. Regarding The Waiting Period Of A Divorced Woman

(المعجم ٣٥، ٣٦) بَابُ: فِي عِدَّةِ الْمُطَلَّقةِ (التحفة ٣٦)

2281. Asmā' bint Yazīd bin As-Sakan Al-Anṣāriyyah narrated that she was divorced (by her husband) during the time of the Messenger of Allāh ﷺ, and at that time there used to be no waiting period for the divorcee. So when she was divorced, Allāh revealed the waiting period for the divorced lady. Therefore, she was the first regarding whom these Verses of the waiting period for divorced women were applied. (*Hasan*)

٢٢٨١ - حَدَّثَنَا سُلَيْمَانُ بْنُ عَبْدِ الْحَمِيدِ الْبُهْرَانِيُّ: حَدَّثَنَا يَحْيَى بْنُ صَالِحٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ: حَدَّثَنِي عَمْرُو بْنُ مُهَاجِرٍ عَنْ أَبِيهِ، عَنْ أَسْمَاءَ بِنْتِ يَزِيدَ بْنِ السَّكَنِ الْأَنْصَارِيَّةِ: أَنَّهَا طُلِّقَتْ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ وَلَمْ يَكُنْ لِلْمُطَلَّقةِ عِدَّةٌ، فَأَنْزَلَ اللَّهُ عَزَّوَجَلَّ حِينَ طُلِّقَتْ أَسْمَاءَ بِالْعِدَّةِ لِلطَّلَاقِ، فَكَانَتْ أَوَّلَ مَنْ أُنْزِلَتْ فِيهَا الْعِدَّةُ لِلْمُطَلَّقاتِ.

تخریج: [إسناده حسن] أخرجه ابن أبي حاتم في تفسيره: ٤١٤/٢، ح: ٢١٨٦ من حديث إسماعيل بن عياش به ورواه البيهقي: ٤٢٤/٧ من حديث أبي داود به.

Comments:

It is said that Asmā' bint Yazīd was the (paternal) cousin of Mu'adh bin Jabal. She had given the pledge of loyalty to the Messenger of Allāh ﷺ and was a message-bearer for women, carrying their messages to the Messenger of Allāh ﷺ. In the Battle of Yarmūk, she killed nine Romans using a tent pole taken from her tent.

Chapter 37. The Abrogation Of The Waiting Period For One Type Of Divorcee

(المعجم ٣٧) بَابُ: فِي نَسْخِ مَا اسْتُنِيَ بِهِ مِنْ عِدَّةِ الْمُطَلَّقاتِ (التحفة ٣٧)

2282. Ibn 'Abbās said, regarding the (two verses): "And divorced women should wait regarding themselves three cycles"^[1] and: "If you are in doubt regarding women who have given up hope of menses, then their waiting period is three

٢٢٨٢ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ ثَابِتٍ الْمُرَوَّزِيُّ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: «﴿وَالْمُطَلَّقاتُ يَرْبِصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ﴾ [البقرة: ٢٢٨] قَالَ: «﴿وَأَلْتَمِسْنَ

[1] Al-Baqarah 2:228.

months,'^[1] that this was abrogated, and Allāh said: (So if you divorce them before touching them, then you will have no waiting period for them that they have to wait.)" (*Hasan*)

مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعَدَّتْهُنَّ ثَلَاثَةُ أَشْهُرٍ [الطلاق: ٤] فَتَسِيخَ مِنْ ذَلِكَ وَقَالَ: (وَإِنْ طَلَّقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا).

تخريج: [حسن] أخرجه النسائي، الطلاق، باب نسخ المراجعة بعد التطليقات الثلاث، ح: ٣٥٨٤ من حديث علي بن حسين بن واقد به وانظر، ح: ٢١٩٥.

Comments:

The *Iddah* of a normal divorcee is three turns of menses and purity. The *Iddah* of a woman in a state of menopause or of a girl with irregular menses not fixed as of yet, is three months. There is no *Iddah* for a woman divorced before the consummation of marriage. A pregnant woman divorced or widowed, shall wait until the delivery of the child. The *Iddah* of a widow is four months and ten days.

Chapter 36/38. Regarding Taking Divorced Women Back

(المعجم ٣٦، ٣٨) بَابُ: فِي الْمَرَاJَعَةِ (التحفة ٣٨)

2283. It was reported from Ibn 'Abbās, from 'Umar, that the Prophet ﷺ divorced Ḥafṣah and then took her back. (*Ṣaḥih*)

٢٢٨٣ - حَدَّثَنَا سَهْلُ بْنُ مُحَمَّدٍ بْنِ الزُّبَيْرِ الْعَسْكَرِيُّ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنِ أَبِي زَائِدَةَ عَنْ صَالِحِ بْنِ صَالِحٍ، عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ، عَنْ عُمَرَ: أَنَّ النَّبِيَّ ﷺ طَلَّقَ حَفْصَةَ ثُمَّ رَاجَعَهَا.

تخريج: [إسناده صحيح] أخرجه النسائي، الطلاق، باب الرجعة، ح: ٣٥٩٠ من حديث سهل بن محمد به وصححه ابن حبان (موارد): ١٣٢٤ والحاكم على شرط الشيخين: ١٩٧/٢ ووافقه الذهبي وللحديث علة غير قاذحة.

Comments:

One may take her back after the first and the second divorce, during a wife's *Iddah* period. A man shall also call two persons to bear witness that he has withdrawn the divorce.

^[1] *At-Talāq* 65:4.

Chapter 37/39. Regarding The Maintenance Of One Who Has Been Irrevocably Divorced

2284. It was reported from Sufyān, from Abū Salamah bin ‘Abdur-Raḥmān from Fāṭimah bint Qais, that Abū ‘Amr bin Ḥaṣṣ divorced her irrevocably, and he was not present (in the city). So he sent his representative to her with some barley, but she considered this to be very little. He replied: “I swear by Allāh, you do not have the right to (receive) anything from me!” So she went to the Messenger of Allāh ﷺ and mentioned that to him. He told her: “You do not have the right of maintenance from him.” And he commanded her to observe her waiting period in the house of Umm Sharik, then he said: “She is a woman whom my Companions visit. Observe your waiting period in the house of Ibn Umm Maktūm, for he is a blind man and you may take off your garments. When you have completed (your waiting period), inform me.” She said: “So when I had finished (the waiting period), I mentioned to him that Mu‘āwiyah bin Abī Sufyān and Abū Jahm both proposed for my hand. The Messenger of Allāh ﷺ said: ‘As for Abū Jahm, his stick never leaves his shoulders. And as for Mu‘āwiyah, he is poor, having no wealth. Marry Usāmah bin Zaid.’ But I disliked that, so he said (again): ‘Marry Usāmah bin Zaid.’ So I married him, and Allāh made much good come out of that, and

(المعجم ٣٧، ٣٩) بَابُ: فِي نَفَقَةِ

الْمَبْتُوتَةِ (التحفة ٣٩)

٢٢٨٤ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ مَوْلَى الْأَسْوَدِ بْنِ سُفْيَانَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ: أَنَّ أَبَا عَمْرٍو بْنَ حَفْصٍ طَلَّقَهَا الْبَتَّةَ وَهُوَ غَائِبٌ، فَأَرْسَلَ إِلَيْهَا وَكِيلُهُ بِشَعِيرٍ فَتَسَخَّطَتْهُ، فَقَالَ: وَاللَّهِ! مَا لَكَ عَلَيْنَا مِنْ شَيْءٍ، فَجَاءَتْ رَسُولَ اللَّهِ ﷺ فَذَكَرَتْ ذَلِكَ لَهُ، فَقَالَ لَهَا: «لَيْسَ لَكَ عَلَيْهِ نَفَقَةٌ»، وَأَمَرَهَا أَنْ تَعْتَدَ فِي بَيْتِ أُمِّ شَرِيكٍ، ثُمَّ قَالَ: «إِنَّ تِلْكَ امْرَأَةً يَغُشَّاها أَصْحَابِي، اغْتَدِّي فِي بَيْتِ ابْنِ أُمِّ مَكْتُومٍ فَإِنَّهُ رَجُلٌ أَعْمَى تَضَعِينَ ثِيَابَكَ، وَإِذَا حَلَلْتَ فَأَذِينِي». قَالَتْ: فَلَمَّا حَلَلْتُ ذَكَرْتُ لَهُ أَنَّ مُعَاوِيَةَ بْنَ أَبِي سُفْيَانَ وَأَبَا جَهْمٍ خَطَبَانِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمَّا أَبُو جَهْمٍ فَلَا يَضَعُ عَصَاهُ عَنْ عَاتِقِهِ، وَأَمَّا مُعَاوِيَةُ فَضَعْلُوكَ لَا مَالَ لَهُ، انْكِحِي أُسَامَةَ بْنَ زَيْدٍ». قَالَتْ: فَكَرِهْتُ، ثُمَّ قَالَ: «انْكِحِي أُسَامَةَ بْنَ زَيْدٍ»، فَتَكَحَّتْهُ فَجَعَلَ اللَّهُ تَعَالَى فِيهِ خَيْرًا وَاعْتَبَطْتُ بِهِ.

other (women) became jealous of me because of him.” (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ١٤٨٠ من حديث مالك به وهو في الموطأ (يحيى): ٢/٥٨٠، ٥٨١.

2285. It was reported from Yahyā bin Abī Kathīr, that Abū Salamah bin ‘Abdur-Raḥmān narrated to him that Fāṭimah bint Qais narrated to him, that Abū Ḥaṣṣ bin Al-Mughīrah divorced her three times. And he cited the narration, in it: “Khālīd bin Al-Walīd and others from the tribe of Banū Makhzūm came to the Prophet ﷺ and said: “O Prophet of Allāh! Abū Ḥaṣṣ bin Al-Mughīrah has divorced his wife three times, and he has left her a very insignificant amount of maintenance.” So he replied: “She is not entitled to any maintenance.” and he cited the rest of the narration, but the (previous) narration of Mālik is more complete. (*Ṣaḥīḥ*)

تخريج: [صحيح] أخرجه ابن عبد البر في التمهيد: ١٩/١٣٧ من حديث أبي داود به وانظر الحديث السابق.

2286. It was reported from ‘Amr bin Yahyā, that Abū Salamah narrated to him, that Fāṭimah bint Qais narrated to him, that Abū ‘Amr bin Ḥaṣṣ Al-Makhzūmī divorced her three times. And he cited the narration, and the part about Khālīd bin Al-Walīd. He said: “The Prophet ﷺ responded: ‘She is not entitled to any provision or a place of residence.’” And he said in it: “The Messenger of Allāh ﷺ sent (a messenger) to her, saying: “Do not do anything with

٢٢٨٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبَانُ بْنُ يَزِيدَ الْعَطَّارُ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ: حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ: أَنَّ فَاطِمَةَ بِنْتَ قَيْسٍ حَدَّثَتْهُ أَنَّ أَبَا حَفْصٍ بَنَ الْمُغِيرَةَ طَلَّقَهَا ثَلَاثًا، وَسَاقَ الْحَدِيثَ فِيهِ: وَأَنَّ خَالِدَ بْنَ الْوَلِيدِ وَغَيْرًا مِنْ بَنِي مَخْزُومٍ أَتَوْا النَّبِيَّ ﷺ فَقَالُوا: يَا نَبِيَّ اللَّهِ! إِنَّ أَبَا حَفْصٍ بَنَ الْمُغِيرَةَ طَلَّقَ امْرَأَتَهُ ثَلَاثًا وَإِنَّهُ تَرَكَ لَهَا نَفَقَةً بَسِيرَةً فَقَالَ: «لَا نَفَقَةَ لَهَا» وَسَاقَ الْحَدِيثَ. وَحَدِيثُ مَالِكٍ أَتَمُّ.

٢٢٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا أَبُو عَمْرِو عَنْ يَحْيَى: حَدَّثَنِي أَبُو سَلَمَةَ: حَدَّثَنِي فَاطِمَةُ بِنْتُ قَيْسٍ أَنَّ أَبَا عَمْرٍو بْنَ حَفْصِ الْمَخْزُومِيِّ طَلَّقَهَا ثَلَاثًا. وَسَاقَ الْحَدِيثَ وَخَبَرَ خَالِدُ بْنُ الْوَلِيدِ قَالَ: فَقَالَ النَّبِيُّ ﷺ: «لَيْسَتْ لَهَا نَفَقَةٌ وَلَا مَسْكَنٌ»، قَالَ فِيهِ: وَأَرْسَلَ إِلَيْهَا رَسُولُ اللَّهِ ﷺ «أَنْ لَا تَسْبِقِيَنِي بِنَفْسِكَ».

yourself before (consulting with) me.” (*Ṣaḥīh*)

تخريج: [صحيح] أخرجه ابن عبد البر في التمهيد: ١٣٨/١٩ من حديث أبي داود به * أبو عمرو: هو الأوزاعي.

Comments:

1. In marriage and other important matters, one should take the counsel of the devout and the wise. Prayer of Guidance (*Istikhārah*) is another important means to reach a decision in such matters.
2. Fāṭimah bint Qais' husband was Abū Ḥaṣḥ bin Al-Mughīrah, according to most narrations.

2287. It was reported from Muḥammad bin ‘Amr from Yahya, from Abū Salamah, from Fāṭimah bint Qais, she said: “I was married to a man from the Banū Makhzūm, and he divorced me irrevocably.” And then he cited similar to the narration of Mālik.^[1] But he said in it: “Do not give yourself to anyone without (asking) me.” (*Ṣaḥīh*)

Abū Dāwud said: Ash-Sha‘bī, Al-Bahī, and ‘Aṭā’ reported it like that from ‘Abdur-Raḥmān bin ‘Āsim, and Abū Bakr bin Abī Al-Jahm, all of them from Fāṭimah bint Qais; that her husband divorced her for the third time.

2288. It was reported from Ash-Sha‘bī, from Fāṭimah bint Qais, that her husband divorced her for the third time, so the Prophet ﷺ did not assign her any maintenance or residence. (*Ṣaḥīh*)

٢٢٨٧ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: أَنَّ مُحَمَّدَ بْنَ جَعْفَرٍ حَدَّثَهُمْ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو عَنْ يَحْيَى، عَنْ أَبِي سَلَمَةَ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ قَالَتْ: كُنْتُ عِنْدَ رَجُلٍ مِنْ بَنِي مَخْزُومٍ فَطَلَّقَنِي الْبَتَّةَ، ثُمَّ سَاقَ نَحْوَ حَدِيثِ مَالِكٍ قَالَ فِيهِ: «وَلَا تُفَوِّتَنِي بِنَفْسِكَ».

قَالَ أَبُو دَاوُدَ: وَكَذَلِكَ رَوَاهُ الشَّعْبِيُّ وَالْبَيْهَقِيُّ وَعَطَاءٌ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَاصِمٍ وَأَبُو بَكْرِ بْنُ أَبِي الْجَهْمِ، كُلُّهُمْ عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ: أَنَّ زَوْجَهَا طَلَّقَهَا ثَلَاثًا.

تخريج: [صحيح] انظر، ح: ٢٢٨٤.

٢٢٨٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ: حَدَّثَنَا سَلَمَةُ بْنُ كَهَيْلٍ عَنِ الشَّعْبِيِّ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ: أَنَّ زَوْجَهَا طَلَّقَهَا ثَلَاثًا، فَلَمْ يَجْعَلْ لَهَا الشَّيْءَ نَفَقَةً وَلَا سُكْنًى.

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٤٤/١٤٨٠ من حديث سفیان الثوري به وانظر الحديث السابق: ٢٢٨٤.

[1] No. 2284.

2289. It was reported from ‘Uqail, from Ibn Shihāb, from Abū Salamah, from Fāṭimah bint Qais, that she was married to Abū Ḥaḥṣ bin Al-Mughīrah, and he divorced her the final of the three divorces. So she went to the Messenger of Allāh ﷺ and asked him regarding leaving her house. He commanded her to go to the house of Ibn Umm Maktūm, who was blind. But Marwān refused to believe this narration of hers — that the divorced woman leaves her house. ‘Urwah said: And ‘Āishah also rejected this from Fāṭimah bint Qais.

Abū Dāwud said: Ṣāliḥ bin Kaisān, Ibn Juraij, and Shu‘aib bin Abī Ḥamzah all reported it from Az-Zuhri.

٢٢٨٩ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ الرَّمْلِيُّ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ، عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ، عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ: أَنَّهَا أَخْبَرَتْهُ أَنَّهَا كَانَتْ عِنْدَ أَبِي حَفْصِ بْنِ الْمُغِيرَةِ وَأَنَّ أَبَا حَفْصِ بْنِ الْمُغِيرَةِ طَلَّقَهَا آخِرَ ثَلَاثِ تَطْلِيقَاتٍ، فَزَعَمَتْ أَنَّهَا جَاءَتْ رَسُولَ اللَّهِ ﷺ فَاسْتَفْتَتْهُ فِي خُرُوجِهَا مِنْ بَيْتِهَا، فَأَمَرَهَا أَنْ تَنْتَقِلَ إِلَى ابْنِ أُمِّ مَكْتُومٍ الْأَعْمَى، فَأَبَى مَرْوَانُ أَنْ يُصَدِّقَ حَدِيثَ فَاطِمَةَ فِي خُرُوجِ الْمُطَلَّاقَةِ مِنْ بَيْتِهَا.

قَالَ عُرْوَةُ: وَأُنْكَرْتُ عَائِشَةُ عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ.

قَالَ أَبُو دَاوُدَ: وَكَذَلِكَ رَوَاهُ صَالِحُ بْنُ كَيْسَانَ وَابْنُ جُرَيْجٍ وَشُعَيْبُ بْنُ أَبِي حَمْزَةَ كُلُّهُمْ عَنِ الزُّهْرِيِّ.

قَالَ أَبُو دَاوُدَ: شُعَيْبُ بْنُ أَبِي حَمْزَةَ، وَاسْمُ أَبِي حَمْزَةَ دِينَارٌ، وَهُوَ مَوْلَى زِيَادٍ. تَخْرِيجُ: [صحيح] انظر، ح: ٢٢٨٤.

Comments:

This narration is brief but the following *Hadith* is more detailed. Marwān had sent someone to gather this information.

2290. It was reported from Ma‘mar from Az-Zuhri, from ‘Ubaidullāh, who said: “Marwān sent (Qabīshah) to Fāṭimah bint Qais to ask her (about her story). She informed him that she was married to Abū Ḥaḥṣ, and the Prophet ﷺ had made ‘Alī a governor over a part of Yemen. So Abū Ḥaḥṣ went with him, and sent

٢٢٩٠ - حَدَّثَنَا مَخْلَدُ بْنُ خَالِدٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ قَالَ: أَرْسَلَ مَرْوَانُ إِلَى فَاطِمَةَ فَسَأَلَهَا؟ فَأَخْبَرَتْهُ أَنَّهَا كَانَتْ عِنْدَ أَبِي حَفْصٍ، وَكَانَ النَّبِيُّ ﷺ أَمَرَ عَلِيَّ بْنَ أَبِي طَالِبٍ يَعْنِي عَلَى بَعْضِ الْيَمَنِ فَخَرَجَ مَعَهُ زَوْجُهَا فَبَعَثَ إِلَيْهَا بِتَطْلِيقَةٍ كَانَتْ بَقِيَتْ لَهَا، وَأَمَرَ عِيَّاشَ

her a divorce that was remaining (the third divorce). And he commanded Ayyāsh bin Abī Rabī'ah and Al-Hārith bin Hishām to support her, but they both said: 'By Allāh! She is not entitled to any maintenance, unless she be pregnant.' So she went to the Prophet ﷺ, who said: 'You are not entitled to any maintenance unless you are pregnant.' She asked his permission to move (to another house), and he gave her permission. She then said: 'Where shall I move to, O Messenger of Allāh?' He replied: 'To (the house) of Ibn Umm Maktūm — and he was a blind man — for you can take off (change) your garments in front of him and he will not see you.' She remained there until her waiting period finished, and then the Prophet ﷺ married her to Usāmah.

"Qabīshah then returned to Marwān and informed him of this. Marwān replied: 'We have not heard this *Hadīth* except from (this) woman, so we will take the safer opinion which we found the people following.' When Fāṭimah heard this, she replied: '(The judge) between us is the Book of Allāh, for Allāh says: Divorce them for their waiting periods..., until... perhaps Allāh will bring something new to pass.'^[1] She said: 'So what new thing can happen after the third?' (*Ṣaḥīh*)

Abū Dāwud said: Yūnus reported

ابن أبي ربيعة والحارث بن هشام أن يُنفَقَا عَليهَا، فَقَالَا: والله! ما لَهَا نَفَقَةٌ إِلَّا أَنْ تَكُونَ حَامِلًا، فَأَتَتِ النَّبِيَّ ﷺ فَقَالَ: «لَا نَفَقَةٌ لَكَ إِلَّا أَنْ تَكُونِي حَامِلًا»، وَاسْتَأْذَنَتْهُ فِي الْإِنْتِقَالِ، فَأُذِنَ لَهَا، فَقَالَتْ: أَيْنَ أَتَقْبَلُ يَا رَسُولَ اللَّهِ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «عِنْدَ ابْنِ أُمِّ مَكْتُومٍ» - وَكَانَ أَعْمَى - تَضَعُ ثِيَابَهَا عِنْدَهُ وَلَا يُبْصِرُهَا، فَلَمْ تَزَلْ هُنَاكَ حَتَّى مَضَتْ عِدَّتُهَا، فَانْكَحَهَا النَّبِيُّ ﷺ أَسَامَةَ، فَوَجَعَ قَبِيصَةَ إِلَى مَرْوَانَ فَأَخْبَرَهُ ذَلِكَ، فَقَالَ مَرْوَانُ: لَمْ نَسْمَعْ هَذَا الْحَدِيثَ إِلَّا مِنْ امْرَأَةٍ فَسَنَأْخُذُ بِالْعِصْمَةِ الَّتِي وَجَدْنَا النَّاسَ عَلَيْهَا، فَقَالَتْ فَاطِمَةُ حِينَ بَلَغَهَا ذَلِكَ: بَيْنِي وَبَيْنَكُمْ كِتَابُ اللَّهِ، قَالَ اللَّهُ: ﴿فَطْلِقُوهُمْ لِعِدَّتِمْ﴾ [الطلاق: ١] حَتَّى ﴿لَا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا﴾ [الطلاق: ١] قَالَتْ: فَأَيُّ أَمْرٍ يُحْدِثُ بَعْدَ الثَّلَاثِ.

قَالَ أَبُو دَاوُدَ: وَكَذَلِكَ رَوَاهُ يُونُسُ عَنِ الزُّهْرِيِّ، وَأَمَّا الزُّبَيْدِيُّ فَرَوَى الْحَدِيثَيْنِ جَمِيعًا، حَدِيثَ عُبَيْدِ اللَّهِ بِمَعْنَى مَعْمَرٍ، وَحَدِيثَ أَبِي سَلَمَةَ بِمَعْنَى عَقِيلٍ.

قَالَ أَبُو دَاوُدَ: وَرَوَاهُ مُحَمَّدُ بْنُ إِسْحَاقَ عَنِ الزُّهْرِيِّ أَنَّ قَبِيصَةَ بِنَ دُوَيْبٍ حَدَّثَتْهُ بِمَعْنَى دَلٍّ عَلَى خَيْرِ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ حِينَ قَالَ: فَوَجَعَ قَبِيصَةَ إِلَى مَرْوَانَ فَأَخْبَرَهُ بِذَلِكَ.

^[1] *At-Talāq* 65:1.

it like that from Az-Zuhri. As for Az-Zubaidi, he reported both of the *Aḥādīth*; that of ‘Ubaidullāh, with the meaning narrated by Ma‘mar, and that of Abū Salamah with the meaning narrated by ‘Uqail.

Abū Dāwud said: Muḥammad bin Ishāq reported it from Az-Zuhri; that Qabiṣah bin Dhuwaib narrated to him, with a meaning supporting the narration of ‘Ubaidullāh bin ‘Abdullāh when he said: “So Qabiṣah returned to Marwān and informed him of this.”

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة لها، ح: ٤١/١٤٨٠ من حديث عبدالرزاق به وهو في المصنف له، ح: ١٢٠٢٥ بطوله.

Comments:

The opinion of Marwān bin Ḥakam, ‘Āishah, and ‘Umar bin Al-Khaṭṭāb was that an irrevocably divorced woman had a right to be provided a place to live during her *‘iddah*, and that the husband must provide that. But the statement of Fāṭimah bint Qais is clearer and has more weight, especially because she was the woman in this case, and it was she who had been divorced. So, obviously, her statement, quoting the Prophet ﷺ, that ‘an irrevocably divorced woman had no right to maintenance and housing’ has more weight. The foregoing Verses of the Qur’ān seem to suggest that they concern women who have been given revocable divorces, not those irrevocably divorced.

Chapter 38/40. Whoever Rejected What Fāṭimah Bint Qais Said

(المعجم ٣٨، ٤٠) - بَابُ مَنْ أَنْكَرَ ذَلِكَ
عَلَى فَاطِمَةَ بِنْتِ قَيْسٍ (التحفة ٤٠)

2291. It was reported from ‘Ammār bin Ruzaiq, from Abū Ishāq, who said: “I was in *Al-Masjid Al-Jami*’ with Al-Aswad, who said: ‘Fāṭimah bint Qais came to ‘Umar bin Al-Khaṭṭāb, may Allāh be pleased with him, and he said: ‘We are not going to leave the Book of our Lord and the *Sunnah* of our Prophet ﷺ because of the

٢٢٩١ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: أَخْبَرَنِي أَبُو أَحْمَدَ: حَدَّثَنَا عَمَّارُ بْنُ رُزَيْقٍ عَنْ أَبِي إِسْحَاقَ قَالَ: كُنْتُ فِي الْمَسْجِدِ الْجَامِعِ مَعَ الْأَسْوَدِ فَقَالَ: أَتَتْ فَاطِمَةُ بِنْتُ قَيْسٍ عُمَرَ بْنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ فَقَالَ: مَا كُنَّا لِنَدَعَ كِتَابَ رَبِّنَا وَسُنَّةَ نَبِيِّنَا ﷺ لِقَوْلِ امْرَأَةٍ لَا نَدْرِي أَحْفَظْتُ ذَلِكَ أَمْ لَا؟.

statement of a woman regarding whom we do not know: Did she memorize this or not.” (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الطلاق، باب المطلقة البائن لا نفقة بها، ح: ٤٦/١٤٨٠ من حديث أبي أحمد الزبيري به.

2292. It was reported from Hishām bin ‘Urwah, from his father, who said: “‘Āishah, may Allāh be pleased with her, disapproved of that very strongly, and said: ‘She was in an isolated place, so her safety was feared for. And it was because of this that the Messenger of Allāh ﷺ allowed her.” (*Hasan*)

٢٢٩٢ - حَدَّثَنَا سُليْمَانُ بْنُ دَاوُدَ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ أَبِي الزِّنَادِ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ قَالَ: لَقَدْ عَابَتْ ذَلِكَ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا أَشَدَّ الْعُيْبِ يَعْنِي حَدِيثَ فَاطِمَةَ بِنْتِ قَيْسٍ وَقَالَتْ: إِنَّ فَاطِمَةَ كَانَتْ فِي مَكَانٍ وَخَشٍ فَخِيفَ عَلَى نَاجِيَتِهَا فَلِذَلِكَ رَخَّصَ لَهَا رَسُولُ اللَّهِ ﷺ.

تخريج: [إسناده حسن] أخرجه ابن ماجه، الطلاق، باب: هل تخرج المرأة في عدتها، ح: ٢٠٣٢ من حديث عبدالرحمن بن أبي الزناد به وعلقه البخاري في صحيحه، ح: ٥٣٢٦.

2293. It was reported from ‘Abdur-Raḥmān bin Al-Qāsim, from his father, from ‘Urwah bin Az-Zubair that ‘Āishah was asked: “Don’t you see the statement of Fātimah?” She replied: “Indeed, there is no good in her mentioning that.” (*Ṣaḥīḥ*)

٢٢٩٣ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ: أَنَّهُ قِيلَ لِعَائِشَةَ: أَلَمْ تَرَيِ إِلَى قَوْلِ فَاطِمَةَ: قَالَتْ: أَمَا إِنَّهُ لَا خَيْرَ لَهَا فِي ذِكْرِ ذَلِكَ.

تخريج: أخرجه البخاري، ح: ٥٣٢٥، ٥٣٢٦، ومسلم، ح: ١٤٨١ من حديث سفیان الثوري به مطولاً.

2294. It was reported from Yahyā bin Sa‘eed, from Sulaimān bin Yasār, regarding Fātimah’s leaving the house: “That was due to bad character.” (*Da‘īf*)

٢٢٩٤ - حَدَّثَنَا هَارُونُ بْنُ زَيْدٍ: حَدَّثَنَا أَبِي عَنْ سُفْيَانَ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ سُليْمَانَ بْنِ يَسَارٍ فِي خُرُوجِ فَاطِمَةَ قَالَ: إِنَّمَا كَانَ ذَلِكَ مِنْ شَوْءِ الْخُلُقِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٤٣٣/٧ من حديث أبي داود به * سفیان الثوري عنن.

2295. (Another chain) from Yahyā bin Sa‘eed, from Al-Qāsim bin

٢٢٩٥ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ

Muḥammad and Sulaimān bin Yasār, that he heard the two of them mentioning that Yaḥyā bin Sa'eed bin Al-ʿĀs divorced his wife, the daughter of Abdur-Raḥmān bin Al-Ḥakam — irrevocably — and 'Abdur-Raḥmān made her leave (the house). So 'Āishah, may Allāh be pleased with her, sent (a messenger) to Marwān bin Al-Ḥakam — and he was the *Amīr* of Al-Madīnah — and she said: "Fear Allāh, and return the woman to her house." Marwān replied — in the narration of Sulaimān (one of the narrators): "'Abdur-Raḥmān overcame me (in argument about it)," — in the narration of Al-Qāsim (one of the narrators): "Have you not heard the incident of Fāṭimah bint Qais?" — 'Āishah said: "There is no harm if you leave the narration of Fāṭimah." Marwān replied: "If you think that (the reason) was the evil, then the evil that happened between these two is sufficient." (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الطلاق، باب قصة فاطمة بنت قيس ... إلخ، ح: ٥٣٢١، ٥٣٢٢ من حديث مالك به وهو في الموطأ (يحيى): ٥٧٩/٢.

2296. Maimūn bin Mihrān narrated: "I came to Al-Madīnah, and made my way to Sa'eed bin Al-Musayyab. I said: 'Fāṭimah bint Qais was divorced and left her house.' Sa'eed replied: 'She is a woman who spread confusion among the people. She was a woman who had a sharp tongue, so she was placed in the hands of Ibn Umm Maktūm, the blind man.'" (*Daʿif*)

وَسُلَيْمَانَ بْنِ يَسَارٍ أَنَّهُ سَمِعَهُمَا يَذْكُرَانِ أَنَّ يَحْيَى بْنَ سَعِيدٍ بْنِ الْعَاصِ طَلَّقَ بِنْتَ عَبْدِ الرَّحْمَنِ بْنِ الْحَكَمِ الْبَتَّةَ، فَانْتَقَلَهَا عَبْدُ الرَّحْمَنِ، فَأَرْسَلَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا إِلَى مَرْوَانَ بْنِ الْحَكَمِ وَهُوَ أَمِيرُ الْمَدِينَةِ، فَقَالَتْ لَهُ: اتَّقِ اللَّهَ وَارْجِدِ الْمَرْأَةَ إِلَى بَيْتِهَا، فَقَالَ مَرْوَانُ: - فِي حَدِيثِ سُلَيْمَانَ - إِنَّ عَبْدَ الرَّحْمَنِ غَلَبَنِي. وَقَالَ مَرْوَانُ: - فِي حَدِيثِ الْقَاسِمِ - أَوْ مَا بَلَغَكَ شَأْنُ فَاطِمَةَ بِنْتِ قَيْسٍ؟ فَقَالَتْ عَائِشَةُ: لَا يَضُرُّكَ أَنْ لَا تَذْكُرَ حَدِيثَ فَاطِمَةَ، فَقَالَ مَرْوَانُ: إِنْ كَانَ بِكَ الشَّرُّ فَحَسْبُكَ مَا كَانَ بَيْنَ هَذَيْنِ مِنَ الشَّرِّ.

٢٢٩٦ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا جَعْفَرُ بْنُ بُرْقَانَ: حَدَّثَنَا مَيْمُونُ ابْنُ مِهْرَانَ قَالَ: قَدِمْتُ الْمَدِينَةَ فَدُفِعْتُ إِلَى سَعِيدِ بْنِ الْمُسَيَّبِ فَقُلْتُ: فَاطِمَةُ بِنْتُ قَيْسٍ طَلَّقْتُ فَخَرَجَتْ مِنْ بَيْتِهَا، فَقَالَ سَعِيدٌ: تِلْكَ امْرَأَةٌ فَتَنَّتِ النَّاسَ، إِنَّهَا كَانَتْ لَيْسَنَ فَوَضَعَتْ عَلَى يَدَيِ ابْنِ أُمِّ مَكْتُومٍ الْأَعْمَى.

تخریج: [ضعیف] السند حسن إلى سعيد بن المسيب ولكنه لم يذكر من حدثه بهذا فقوله مردود.

Chapter 39/41. An Irrevocably Divorced Woman Leaving Her House During The Day

2297. It was reported from Abū Az-Zubair, from Jābir, who said: "My maternal aunt had been divorced for the third time. She left (her house) to harvest (the fruits) of a date palm that she owned, but a man met her and prevented her. So she went to the Prophet ﷺ and mentioned it to him. He told her: 'Go out and harvest your tree, for it is possible that you may give charity from it, or do some other good.'" (*Sahih*)

تخریج: أخرجه مسلم، الطلاق، باب جواز خروج المعتدة البائن ... إلخ، ح: ١٤٨٣ من حديث يحيى بن سعيد القطان به.

Comments:

A divorcee may go out of her house for important work but she must spend the night in her house.

Chapter 40/42. The Abrogation Of Maintenance For A Widowed Woman Because Of The Inheritance Due To Her

2298. Ibn 'Abbās stated that the Verse: "And those who die among you and leave wives (should) bequeath for their wives sustenance for one year, without expelling them (from their homes)" was abrogated with the Verses of inheritance, for she had been assigned a fourth or an eighth. And the period of one year was abrogated, making her waiting

(المعجم ٣٩، ٤١) بَابُ: فِي الْمُبْتَوَةِ
تَخْرُجُ بِالنَّهَارِ (التحفة ٤١)

٢٢٩٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ ابْنِ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: طَلَّقْتُ خَالَتِي ثَلَاثًا فَخَرَجَتْ تَجِدُ نَخْلًا لَهَا، فَلَقِيَهَا رَجُلٌ فَنَهَاَهَا، فَأَنْتَبَ النَّبِيُّ ﷺ فَذَكَرْتُ ذَلِكَ لَهُ، فَقَالَ لَهَا: «اُخْرُجِي فِجْدِي نَخْلَكَ، لَعَلَّكَ أَنْ تَصَدَّقِي مِنْهُ، أَوْ تَقْعَلِي خَيْرًا».

(المعجم ٤٠، ٤٢) - بَابُ نَسْخِ مَنَاعِ
الْمُتَوَفَّى عَنْهَا زَوْجُهَا بِمَا فُرِضَ لَهَا مِنَ
الْمِيرَاثِ (التحفة ٤٢)

٢٢٩٨ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَرْزُوقِيُّ: حَدَّثَنِي عَلِيُّ بْنُ الْحُسَيْنِ بْنِ وَاقِدٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ ﴿وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا وَصِيَّةً لِأَزْوَاجِهِمْ مَتْنًا إِلَى الْوَلَدِ غَيْرَ لِإِحْسَانٍ﴾ [البقرة: ٢٤٠] فَنَسَخَ ذَلِكَ بَايَةَ الْمِيرَاثِ بِمَا فَرَضَ لَهُنَّ مِنَ الرَّبْعِ وَالْثُمْنِ،

period four months and ten days.
(*Hasan*)

وَنَسَخَ أَجَلَ الْحَوْلِ بِأَنْ جَعَلَ أَجَلَهَا أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا.

تخریج: [إسناده حسن] أخرجه النسائي، الطلاق، باب نسخ متاع المتوفى عنها بما فرض لها من الميراث، ح: ٣٥٧٣ من حديث علي بن الحسين بن واقد به.

Comments:

A widow inherits one-eighth of her husband's property in case he has left children, or else one-fourth thereof.

Chapter 41/43. The Rulings Of Mourning For Woman Whose Husband Has Died

2299. It was reported from Ḥumaid bin Nāfi', from Zainab bint Salamah that she informed him: "I visited Umm Ḥabībah when her father Abū Sufyān had died. She called for some perfume that had some yellow *Khalūq* in it, or something else, and she put its oil on a little girl, then rubbed it on her cheeks. She then said: 'I swear by Allāh, I have no desire for perfume, except that I heard the Messenger of Allāh ﷺ say: "It is not permissible for a woman who believes in Allāh and the Last Day that she mourns for a dead person more than three days, except for her husband (in which case she mourns) four months and ten days."' (Zainab continued:) And I also visited Zainab bint Jaḥsh when her brother had died, and she called for perfume and applied it. She then said: 'I swear by Allāh, I have no desire for perfume, except that I heard the Messenger of Allāh ﷺ say, while he was standing on the *Minbar*: "It is not

(المعجم ٤١، ٤٣) - بَابُ إِحْدَادِ الْمُتَوَفَّى عَنْهَا زَوْجَهَا (التحفة ٤٣)

٢٢٩٩ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ حُمَيْدِ بْنِ نَافِعٍ، عَنْ زَيْنَبِ بِنْتِ أَبِي سَلَمَةَ أَنَّهَا أَخْبَرَتْهُ بِهِذِهِ الْأَحَادِيثِ الثَّلَاثَةِ. قَالَتْ زَيْنَبُ: دَخَلْتُ عَلَى أُمِّ حَبِيبَةَ حِينَ تُؤَفِّي أَبُوهَا أَبُو سُفْيَانَ فَدَعَتْ بِطِيبٍ فِيهِ صُفْرَةٌ خُلُوقٍ أَوْ غَيْرُهُ، فَدَهَنْتُ مِنْهُ جَارِيَةً ثُمَّ مَسَّتْ بِعَارِضِهَا ثُمَّ قَالَتْ: وَاللَّهِ! مَا لِي بِالطِّيبِ مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا يَحِلُّ لَامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحَدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ لَيَالٍ إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا». قَالَتْ زَيْنَبُ: وَدَخَلْتُ عَلَى زَيْنَبِ بِنْتِ جَحْشٍ حِينَ تُؤَفِّي أَخُوهَا، فَدَعَتْ بِطِيبٍ فَمَسَّتْ مِنْهُ، ثُمَّ قَالَتْ: وَاللَّهِ! مَا لِي بِالطِّيبِ مِنْ حَاجَةٍ غَيْرَ أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ وَهُوَ عَلَى الْمِنْبَرِ: «لَا يَحِلُّ لَامْرَأَةٍ تُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ أَنْ تُحَدَّ عَلَى مَيِّتٍ فَوْقَ ثَلَاثِ لَيَالٍ إِلَّا عَلَى زَوْجٍ أَرْبَعَةَ أَشْهُرٍ

permissible for a woman who believes in Allāh and the Last Day that she mourns for a dead person more than three days, except for her husband (in which case she mourns) four months and ten days.” (Zainab continued:) And I heard my mother, Umm Salamah, say: ‘A woman came to the Messenger of Allāh ﷺ and said: “O Messenger of Allāh, my daughter’s husband has died, and her eyes hurt, so can we apply kohl to them?”’ The Messenger of Allāh ﷺ said: “No,” twice, or thrice, repeating it. Then he said: “It is only four months and ten days. And one of you — in the days of *Jāhiliyyah* — would throw camel dung after one year!”

Humaid said: “So asked to Zainab: ‘What does it mean to “throw camel dung after one year?”’ Zainab replied: ‘In the past, when a woman’s husband had died, she would enter a *Hifsh*, and wear her worst clothes, and would not touch any perfume or anything else until an entire year had passed. Then an animal would be brought to her — a donkey, or sheep, or bird — and she would cleanse (*Taftadd*) herself with it.^[1] And hardly would she cleanse (*Taftadd*) herself with anything except that it would die. She would then exit (that house), and camel dung would be brought to her, and she would fling it away. After that, she could use anything, perfume or otherwise, that she

وَعَشْرًا» قَالَتْ زَيْنَبُ: وَسَمِعْتُ أُمِّي أُمَّ سَلَمَةَ تَقُولُ: جَاءَتْ امْرَأَةً إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ ابْنَتِي تُؤْفِي زَوْجَهَا عَنْهَا، وَقَدْ اسْتَكْتَحْتُ عَيْنَهَا فَتَكْحَلُهَا؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا»، مَرَّتَيْنِ أَوْ ثَلَاثًا، كُلُّ ذَلِكَ يَقُولُ: «لَا»، ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا هِيَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا. وَقَدْ كَانَتْ إِحْدَاكُنَّ فِي الْجَاهِلِيَّةِ تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ». قَالَ حُمَيْدٌ: فَقُلْتُ لَزَيْنَبَ: وَمَا تَرْمِي بِالْبَعْرَةِ عَلَى رَأْسِ الْحَوْلِ؟ فَقَالَتْ زَيْنَبُ: كَانَتِ الْمَرْأَةُ إِذَا تُؤْفِي عَنْهَا زَوْجَهَا دَخَلَتْ حِفْشًا وَلَبِسَتْ شَرَّ ثِيَابِهَا وَلَمْ تَمَسَّ طِبًّا وَلَا شَيْئًا حَتَّى تَمُرَّ بِهَا سَنَةٌ ثُمَّ تُؤْتَى بِدَايَةِ جِمَارٍ أَوْ شَاةٍ أَوْ طَائِرٍ فَتَنْقَضُ بِهِ فَقَلَمًا تَقْتَضُ بِشَيْءٍ إِلَّا مَاتَ، ثُمَّ تَخْرُجُ فَيُعْطَى بَعْرَةٌ فَتَرْمِي بِهَا ثُمَّ تُرَاجِعُ بَعْدَ مَا شَاءَتْ مِنْ طِبِّ أَوْ غَيْرِهِ.

قَالَ أَبُو دَاوُدَ: الْحِفْشُ بَيْتٌ صَغِيرٌ.

^[1] They say the meaning of *Taftadd* is that she would rub it on the front of herself.

pleased.” (*Sahih*)

Abū Dāwud said: A *Hifsh* is a small house.

تخريج: أخرجه البخاري، الجناز، باب إحداد المرأة على غير زوجها، ح: ١٢٨١، ١٢٨٢ ومسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة... إلخ، ح: ١٤٨٦ من حديث مالك به، وهو في الموطأ (يحيى): ٥٩٧، ٥٩٦/٢.

Chapter 42/44. Regarding Such A Woman Moving To Another Residence

2300. It was reported from Zainab bint Ka'b bin 'Ujrah, that Al-Furai'ah bint Mālik bin Sinān — the sister of Abū Sa'eed Al-Khudri — narrated that she went to the Messenger of Allāh ﷺ in order to seek his permission to go to her family's house in Banū Khudrah. And that was because her husband had gone out in order to find some slaves of his that had run away, but when he reached the beginning of Al-Qadūm, they (slaves) caught up with him and killed him. She said: "So I asked the Messenger of Allāh ﷺ about returning to my family since I had no house that I owned, nor any sustenance. The Messenger of Allāh ﷺ said, 'Yes,' so I left, until I was at his house, or at the *Masjid*, when he called me, or called for me. I went back to him, and he said: 'What did you say?' So I repeated the story of what happened to my husband. He said: 'Remain in your house until the appointed time finishes.' So I stayed there for the waiting period of four months and ten days. Then, during the (rule) of 'Uthmān bin 'Affān, he called me and asked me

(المعجم ٤٢، ٤٤) بَابُ: فِي الْمَتَوَفَّى

عَنْهَا تُنْقَلُ (التحفة ٤٤)

٢٣٠٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ سَعْدِ بْنِ إِسْحَاقَ بْنِ كَعْبِ بْنِ عُجْرَةَ، عَنْ عَمَّتِهِ زَيْنَبِ بِنْتِ كَعْبِ ابْنِ عُجْرَةَ: أَنَّ الْفُرَيْعَةَ بِنْتَ مَالِكِ بْنِ سِنَانٍ وَهِيَ أُخْتُ أَبِي سَعِيدِ الْخُدْرِيِّ أَخْبَرَتْهَا أَنَّهَا جَاءَتْ إِلَى رَسُولِ اللَّهِ ﷺ تَسْأَلُهُ أَنْ تَرْجِعَ إِلَى أَهْلِهَا فِي بَنِي خُدْرَةَ، فَإِنْ رَجَعَهَا خَرَجَ فِي طَلَبِ عَبْدٍ لَهُ أَبْقُوا حَتَّى إِذَا كَانُوا بِطَرَفِ الْقُدُومِ لِحَقِّهِمْ فَتَلَّوْهُ، فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ أَنْ أَرْجِعَ إِلَى أَهْلِي فَإِنِّي لَمْ يَتْرُكْنِي فِي مَسْكَنِ يَمْلِكُهُ وَلَا نَفَقَةٍ. قَالَتْ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَعَمْ». قَالَتْ: فَخَرَجْتُ حَتَّى إِذَا كُنْتُ فِي الْحَجْرَةِ أَوْ فِي الْمَسْجِدِ دَعَانِي أَوْ أَمَرَنِي فِدْعَيْتُ لَهُ، فَقَالَ: «كَيْفَ قُلْتَ؟» فَرَدَدْتُ عَلَيْهِ الْقِصَّةَ الَّتِي ذَكَرْتُ مِنْ شَأْنِ زَوْجِي، قَالَتْ: فَقَالَ: «امْكُثِي فِي بَيْتِكَ حَتَّى يَنْلُغَ الْكِتَابُ أَجْلَهُ». قَالَتْ: فَاعْتَدَدْتُ فِيهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا. قَالَتْ: فَلَمَّا كَانَ عُثْمَانُ بْنُ عَفَّانٍ أَرْسَلَ إِلَيَّ فَسَأَلَنِي عَنْ ذَلِكَ فَأَخْبَرْتُهُ فَأَتْبَعَهُ وَقَضَى بِهِ.

about that. I informed him, and he followed it and judged by it.”

(*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] أخرجه الترمذي، الطلاق واللعان، باب ما جاء أين تعتد المتوفى عنها زوجها؟ ح: ١٢٠٤ من حديث مالك به وقال: "حسن صحيح" وهو في الموطأ (يحيى): ٢/ ٥٩١ وصححه الحاكم: ٢/ ٢٠٨ ووافقه الذهبي، ورواه النسائي، ح: ٣٥٦٢ وابن ماجه، ح: ٢٠٣١.

Comments:

It is obligatory upon a widow to spend her 'Iddah period in the same house where her husband died, except in abnormal circumstances making it impossible for her to live there.

Chapter 43/45. Those Who Allowed Her To Change Her Residence

(المعجم ٤٣، ٤٥) - بَابُ مَنْ رَأَى
التَّحَوُّلَ (التحفة ٤٥)

2301. 'Aṭā' narrated that Ibn 'Abbās said: "This Verse has abrogated her waiting period at her house. Therefore, she may pass her waiting period wherever she pleases." And this was in reference to the statement of Allāh:... "without expelling her."^[1]

'Aṭā' said: "(In the beginning), if she had wished, she could pass the waiting period in his house and be provided maintenance based on his will. And if she had wished, she could leave, based on Allāh's statement: "So if they leave, there is no sin upon you regarding what they do."^[2] Then, the (laws) of inheritance were revealed, so the ruling of living (at her husband's house) was abrogated. She may pass her waiting period wherever she wishes." (*Ṣaḥīḥ*)

٢٣٠١ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ
الْمَرْوَزِيُّ: حَدَّثَنَا مُوسَى بْنُ مَسْعُودٍ: حَدَّثَنَا
شَيْبَلٌ عَنْ ابْنِ أَبِي نَجِيحٍ قَالَ: قَالَ عَطَاءٌ:
قَالَ ابْنُ عَبَّاسٍ: نَسَخَتْ هَذِهِ الْآيَةُ عِدَّتَهَا
عِنْدَ أَهْلِهَا فَتَعْتَدُ حَيْثُ شَاءَتْ وَهُوَ قَوْلُ اللَّهِ
عَزَّ وَجَلَّ: ﴿عَبْرَ إِخْرَاجٍ﴾ [البقرة: ٢٤٠] قَالَ
عَطَاءٌ: إِنْ شَاءَتْ اغْتَدَّتْ عِنْدَ أَهْلِهَا
وَسَكَنْتْ فِي وَصِيَّتِهَا، وَإِنْ شَاءَتْ خَرَجَتْ
لِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: ﴿فَإِنْ خَرَجْنَ فَلَا جُنَاحَ
عَلَيْكُمْ فِي مَا فَعَلْنَ﴾ [البقرة: ٢٤٠] قَالَ
عَطَاءٌ: ثُمَّ جَاءَ الْمِيرَاثُ فَتَنَسَخَ السُّكْنَى تَعْتَدُ
حَيْثُ شَاءَتْ.

تخريج: أخرجه البخاري، الطلاق، باب: ﴿وَالَّذِينَ يَتوفون منكم ويذرون أزواجاً﴾...

[1] Al-Baqarah 2:240.

[2] Al-Baqarah 2:240.

إلخ، ح: ٥٣٤٤، ح: ٤٥٣١ من حديث شبل به.

Chapter 44/46. What Should A Woman Whose Husband Has Died Avoid During Her Waiting Period?

(المعجم ٤٤، ٤٦) بَابُ: فِيمَا تَجْتَنِبُ الْمُعْتَدَّةُ فِي عِدَّتِهَا (التحفة ٤٦)

2302. Umm ‘Atiyyah narrated that the Prophet ﷺ said: “A woman should not mourn for anyone for more than three (days), except for her husband. For him, she must mourn four months and ten days. And she should not wear dyed cloth except for ‘*Ashb* cloth.^[1] And she should not apply kohl, nor any perfume except when she is about to become pure from her menses, (for she may use) a small amount of *Qust* or *Azfar*.”^[2] — Instead of ‘*Ashb*, Ya‘qūb (one of the narrators) said: “washed” and Ya‘qūb added: “and she should not use dye.” (*Ṣaḥīh*)

٢٣٠٢ - حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ الدَّوْرَقِيُّ: حَدَّثَنَا يَحْيَى بْنُ أَبِي بُكَيْرٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ طَهْمَانَ: حَدَّثَنِي هِشَامُ بْنُ حَسَّانَ؛ ح: وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْجَرَّاحِ الْقُتَيْبِيُّ عَنْ عَبْدِ اللَّهِ يَعْنِي ابْنَ بَكْرِ السَّهْمِيِّ، عَنْ هِشَامٍ - وَهَذَا لَفْظُ ابْنِ الْجَرَّاحِ -، عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا تُجِدُ الْمَرْأَةُ فَوْقَ ثَلَاثٍ إِلَّا عَلَى زَوْجٍ فَإِنَّهَا تُجِدُ عَلَيْهِ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا، وَلَا تَلْبَسُ ثَوْبًا مَضْبُوعًا إِلَّا ثَوْبَ عَصَبٍ وَلَا تَكْتَحِلُ وَلَا تَمَسُّ طَيِّبًا إِلَّا أَدْنَى طَهْرَتِهَا إِذَا طَهَّرَتْ مِنْ مَحِيضِهَا بِبُذَّةٍ مِنْ قُنْطَرٍ أَوْ أَطْفَارٍ». قَالَ يَعْقُوبُ: مَكَانَ عَصَبٍ: إِلَّا مَغْسُولًا. وَزَادَ يَعْقُوبُ: «وَلَا تَخْتَضِبُ».

تخریج: أخرجه البخاري، الطلاق، باب: تلبس الحادة ثياب العصب، ح: ٥٣٤٢، ٥٣٤٣ ومسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة... إلخ، ح: ٩٣٨/٦٦ بعد، ح: ١٤٩١ من حديث هشام بن حسان به.

2303. (Another chain) from Umm ‘Atiyyah, from the Prophet ﷺ with this *Hadith*. It is not as complete as what preceded, Al-Misma‘ī (one of the narrators) said: “Yazīd said:

٢٣٠٣ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ وَمَالِكُ بْنُ عَبْدِ الْوَاحِدِ الْمِصْمَعِيُّ قَالَا: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ عَنْ هِشَامٍ، عَنْ

[1] A certain type of cloth whose strands of fabric are dyed and rinsed well before being woven.

[2] Two types of fragrance or incense.

‘And I do not know except that “and she should not use dye” is part of it.’” And Hārūd added: “Nor should she wear died cloth, except for ‘*Aṣb* cloth.” (*Ṣaḥīḥ*)

حَفْصَةُ، عَنْ أُمِّ عَطِيَّةَ عَنِ النَّبِيِّ ﷺ بِهَذَا الْحَدِيثِ، وَلَيْسَ فِي تَمَامِ حَدِيثِهِمَا. قَالَ الْمُسَمَعِيُّ: قَالَ يَزِيدُ وَلَا أَعْلَمُهُ إِلَّا فِيهِ «وَلَا تَخْتَضِبُ». وَزَادَ فِيهِ هَارُونُ: «وَلَا تَلْبَسُ ثَوْبًا مَضْبُوعًا إِلَّا ثَوْبَ عَصَبٍ».

تخريج: متفق عليه، انظر الحديث السابق: ٢٣٠٢.

2304. It was reported from Ṣafīyyah bint Shaibah, from Umm Salamah, the wife of the Prophet ﷺ, from the Prophet ﷺ that he said: “A woman whose husband has died should not wear garments dyed with safflower, dyed with *Mishq*,^[1] or jewellery, nor should she use dye, nor kohl.” (*Ḥasan*)

٢٣٠٤ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا يَحْيَى بْنُ أَبِي بُكَيْرٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ طَهْمَانَ: حَدَّثَنِي بُذَيْلٌ عَنِ الْحَسَنِ بْنِ مُسْلِمٍ، عَنْ صَفِيَّةَ بِنْتِ شَيْبَةَ، عَنْ أُمِّ سَلَمَةَ زَوْجِ النَّبِيِّ ﷺ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «الْمُتَوَفَّى عَنْهَا زَوْجُهَا لَا تَلْبَسُ الْمُعْصَفَرِ مِنَ الثِّيَابِ، وَلَا الْمُمَشَّقَةَ، وَلَا الْحُلِيَّ وَلَا تَخْتَضِبُ وَلَا تَكْتَحِلُ».

تخريج: [إسناده حسن] أخرجه النسائي، الطلاق، باب ما تجنب الحادة من الثياب المصبغة، ح: ٣٥٦٥ من حديث يحيى بن أبي بكير به وصححه ابن حبان (موارد): ١٣٢٨ وحسنه ابن الملقن في تحفة المحتاج، ح: ١٥٠٤.

Comments:

These things fall under the category of cosmetics and shall be avoided during the period of mourning.

2305. Umm Ḥakīm bint Asad narrated from her mother, that her husband died, and her eyes were hurting. (She wished to know) if she could apply *Jilā* as kohl.^[2] So she sent a slave of her's to Umm Salamah, and he asked her about applying *Jilā* as kohl. She replied: “Do not use it as kohl, unless it be for something that you cannot

٢٣٠٥ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَخْرَمَةُ عَنْ أَبِيهِ قَالَ: سَمِعْتُ الْمُغِيرَةَ بْنَ الصَّحَّاحِ يَقُولُ: أَخْبَرْتَنِي أُمُّ حَكِيمٍ بِنْتُ أَسِيدٍ عَنْ أُمِّهَا: أَنَّ زَوْجَهَا تَوَفَّى، وَكَانَتْ تَسْتَكِي عَيْنَيْهَا فَتَكْتَحِلُ بِالْجِلَاءِ - قَالَ أَحْمَدُ: الصَّوَابُ يَكْحُلُ الْجِلَاءُ -

[1] A reddish clay which was used to dye cloth.

[2] It means brightening or lucidation kohl, referring to *Ithmid*.

avoid — if it becomes difficult. If that occurs, apply it at night, and wipe it away during the day.” Then she added: “The Messenger of Allāh ﷺ visited me when Abī Salamah had died, and I had placed some aloe in my eyes. He said: ‘What is this, O Umm Salamah?’ I said, ‘It is only aloe, O Messenger of Allāh. It has no perfume in it.’ He said: ‘It beautifies the face, so do not apply it except at night, and take it off during the day. And do not comb with perfume, nor with henna, for it colors (the hair).’ She said: ‘So what should I comb with, O Messenger of Allāh?’ He replied: ‘With *Sidr* leaves. You may paste your hair with it.’”^[1] (*Da'if*)

فَارْسَلْتُ مَوْلَاةَ لَهَا إِلَى أُمِّ سَلَمَةَ فَسَأَلَتْهَا عَنْ كُمْلِ الْجَلَاءِ؟ فَقَالَتْ: لَا تَكْمُلِي بِهِ إِلَّا مِنْ أَمْرِ لَا بُدَّ مِنْهُ يَسْتَدُّ عَلَيْكَ، فَتَكْمُلِينَ بِاللَّيْلِ وَتَمْسَحِينَهُ بِالنَّهَارِ ثُمَّ قَالَتْ عِنْدَ ذَلِكَ أُمُّ سَلَمَةَ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ ﷺ حِينَ تُؤَفِّي أَبُو سَلَمَةَ وَقَدْ جَعَلْتُ عَلَى عَيْنِي صَبْرًا فَقَالَ: «مَا هَذَا يَا أُمَّ سَلَمَةَ؟» فَقُلْتُ: إِنَّمَا هُوَ صَبْرٌ يَارَسُولَ اللَّهِ! لَيْسَ فِيهِ طِيبٌ. قَالَ: «إِنَّهُ يَشُبُّ الْوَجْهَ فَلَا تَجْعَلِيهِ إِلَّا بِاللَّيْلِ وَتَنْزِعِيهِ بِالنَّهَارِ، وَلَا تَمْسُطِي بِالطِّيبِ وَلَا بِالْحِنَاءِ فَإِنَّهُ خِضَابٌ». قَالَتْ: قُلْتُ: بِأَيِّ شَيْءٍ أُمْتَشِطُ يَارَسُولَ اللَّهِ! قَالَ: «بِالسِّدْرِ تُعْلِفِينَ بِهِ رَأْسُكَ».

تخریج: [إسناده ضعيف] أخرجه النسائي، الطلاق، باب الرخصة للحادة أن تمتشط بالسدر، ح: ٣٥٦٧ من حديث عبدالله بن وهب به ورواه مالك في الموطأ: ٢/٦٠٠، ح: ١٣١١. بلاغا بتحقيق * مغيرة بن الضحاك: مستور، وأم حكيم بنت أسيد: لا يعرف حالها (تقريب).

Chapter 45/47. The Waiting Period Of A Pregnant Woman

(المعجم ٤٧، ٤٥) بَابُ: فِي عِدَّةِ الْحَامِلِ (التحفة ٤٧)

2306. It was reported from Ibn Shihāb, that ‘Ubaidullāh bin ‘Abdullāh bin ‘Utbah narrated to him, that his father wrote to ‘Umar bin ‘Abdullāh bin Al-Arqam Az-Zuhri, telling him to visit Subai’ah bint Al-Hārith Al-Aslamiyyah and ask her about her narration, and what the Messenger of Allāh ﷺ told her when she asked him her question. So ‘Umar bin ‘Abdullāh

٢٣٠٦ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُوسُفُ عَنْ ابْنِ شِهَابٍ: حَدَّثَنِي عُبَيْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ ابْنِ عُتْبَةَ: أَنَّ أَبَاهُ كَتَبَ إِلَى عُمَرَ بْنِ عَبْدِ اللَّهِ ابْنِ الْأَرْقَمِ الزُّهْرِيِّ يَأْمُرُهُ أَنْ يَدْخُلَ عَلَى سُبَيْعَةَ بِنْتِ الْحَارِثِ الْأَسْلَمِيَّةِ فَيَسْأَلَهَا عَنْ حَدِيثِهَا، وَعَمَّا قَالَ لَهَا رَسُولُ اللَّهِ ﷺ حِينَ

^[1] *Sidr*, the lote tree, its leaves were used with water or other substances for their clean smell.

wrote back to ‘Abdullāh bin ‘Utbah informing him that Subai’ah said that she was married to Sa’d bin Khawlah, and he was of the tribe of Bani ‘Āmir bin Lu’āi, and had attended the Battle of Badr. He passed away during the Farewell Pilgrimage, and she was pregnant at the time. Soon after his death, she gave birth. Once she had purified from her bleeding, she beautified herself for suitors. Abū As-Sanābil bin Ba’kak visited her, and he was of the tribe of ‘Abdud-Dār. He said to her: “How come I see you having beautified yourself? Perhaps you wish to get married? I swear by Allāh, you will not get married until four months and ten days pass.” Subai’ah said: “When he told me that, then as soon as night fell, I grabbed my garments and went to the Messenger of Allāh ﷺ, and asked him about that. He gave me the verdict that I had become permissible (for marriage) as soon as I had given birth, and he commanded me to get married if I so desired.”

Ibn Shihāb said: “I don’t see any problem if she gets married after her delivery, even if she is still bleeding. However, her husband should not approach her until she becomes pure.” (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الطلاق، باب انقضاء عدة المتوفى عنها وغيرها، بوضع الحمل، ح: ١٤٨٤ من حديث ابن وهب، والبخاري، المغازي، باب ١٠، ح: ٣٩٩١ من حديث يونس بن يزيد به.

2307. It was reported from ‘Abdullāh (Ibn Mas‘ūd), that he

اسْتَفْتَنِي؟، فَكَتَبَ عُمَرُ بْنُ عَبْدِ اللَّهِ إِلَى عَبْدِ اللَّهِ بْنِ عُتْبَةَ يُخْبِرُهُ، أَنَّ سُبَيْعَةَ أَخْبَرَتْهُ، أَنَّهَا كَانَتْ تَحْتَ سَعْدِ بْنِ خَوْلَةَ وَهُوَ مِنْ بَنِي عَامِرِ بْنِ لُؤَيٍّ وَهُوَ مِمَّنْ شَهِدَ بَدْرًا، فَتَوَفَّيَ عَنْهَا فِي حَجَّةِ الْوُدَاعِ وَهِيَ حَامِلٌ فَلَمْ تَنْسُبْ أَنْ وَضَعَتْ حَمْلَهَا بَعْدَ وَفَاتِهِ، فَلَمَّا تَعَلَّتْ مِنْ نِفَاسِهَا تَجَمَّلْتُ لِلْخُطَّابِ، فَدَخَلَ عَلَيْهَا أَبُو السَّنَابِلِ بْنُ بَعْكَك - رَجُلٌ مِنْ بَنِي عَبْدِ الدَّارِ - فَقَالَ لَهَا: مَا لِي أَرَاكِ مُتَجَمِّلَةً، لَعَلَّكَ تَرْتَجِينَ النِّكَاحَ؟ إِنَّكَ وَاللَّهِ! مَا أَنْتِ بِنَاكِحٍ حَتَّى تَمُرَّ عَلَيْكَ أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا قَالَتْ سُبَيْعَةُ: فَلَمَّا قَالَ لِي ذَلِكَ جَمَعْتُ عَلَيَّ ثِيَابِي حِينَ أَمْسَيْتُ، فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَسَأَلْتُهُ عَنْ ذَلِكَ فَأَقْتَانِي بَأَن قَدْ حَلَلْتُ حِينَ وَضَعْتُ حَمْلِي، وَأَمَرَنِي بِالتَّزْوِيجِ إِنْ بَدَأَ لِي.

قال ابن شِهَابٍ: وَلَا أَرَى بَأْسًا أَنْ تَتَزَوَّجَ حِينَ وَضَعْتَ وَإِنْ كَانَتْ فِي دَمِهَا، غَيْرَ أَنَّهُ لَا يَقْرُبُهَا زَوْجُهَا حَتَّى تَطْهُرَ.

٢٣٠٧ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ - قَالَ عُثْمَانُ: حَدَّثَنَا

said: "Whoever wishes, I am willing to exchange mutual curses with him. Of a surety, the smaller chapter of women^[1] was revealed after (the ruling) of four months and ten days." (*Da'if*)

وَقَالَ ابْنُ الْعَلَاءِ: أَخْبَرَنَا - أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ عَنْ مُسْلِمٍ، عَنْ مَسْرُوقٍ، عَنْ عَبْدِ اللَّهِ قَالَ: مَنْ شَاءَ لَاعَتَهُ لَأَنْزِلَتْ سُورَةُ النَّسَاءِ الْقُصْرَى بَعْدَ الْأَرْبَعَةِ الْأَشْهُرِ وَعَشْرًا.

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الطلاق، باب الحامل المتوفى عنها زوجها ... إلخ، ح: ٢٠٣٠ من حديث أبي معاوية الضرير به * الأعمش مدلس وعنن، وللحديث شواهد ضعيفة، وحديث البخاري، ح: ٤٥٣٢ يغني عنه.

Comments:

The law that a widow shall wait for a period of four months and ten days, and the law that a pregnant woman shall wait until she has delivered the child are not contradictory to each other. The former period (four months and ten days) is for women who are not pregnant. As for pregnant women, the *Iddah* period continues until the delivery of the child.

Chapter 46/48. The Waiting Period For An Umm Al-Walad^[2]

(المعجم ٤٦، ٤٨) بَابُ: فِي عِدَّةِ أُمِّ الْوَلَدِ (التحفة ٤٨)

2308. It was reported from 'Amr bin Al-Āṣ, that he said: "Don't try to confuse us about *Sunnah*" — Ibn Al-Muthanna (one of the narrators) said: "The *Sunnah* of our Prophet ﷺ" — The waiting period — meaning for an *Umm Al-Walad* — is four months and ten days." (*Da'if*)

٢٣٠٨ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ أَنَّ مُحَمَّدَ بْنَ جَعْفَرٍ حَدَّثَهُمْ؛ ح: وَحَدَّثَنَا ابْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدٍ، عَنْ مَطَرٍ، عَنْ رَجَاءِ بْنِ حَبُوةَ، عَنْ قَبِيصَةَ بْنِ ذُرَيْبٍ، عَنْ عَمْرِو بْنِ الْعَاصِ قَالَ: لَا تُلَبَّسُوا عَلَيْنَا سُنَّتُهُ - قَالَ ابْنُ الْمُثَنَّى: سُنَّةُ نَبِيِّنَا - ﷺ، عِدَّةُ الْمُتَوَفَّى عَنْهَا أَرْبَعَةُ أَشْهُرٍ وَعَشْرًا يَعْنِي أُمُّ الْوَلَدِ.

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الطلاق، باب عدة أم الولد، ح: ٢٠٨٣ من حديث سعيد بن أبي عروبة به وصححه ابن حبان (موارد): ١٣٣٣ والحاكم على شرط الشيخين: ٢/ ٢٠٩ ووافقه الذهبي وقال الدارقطني: "هو مرسل لأن قبيصة لم يسمع من عمرو" ٣١٠/٤.

Comments:

1. A slave woman who is the mother of her owner's child is called an *Umm Walad* (mother of a child).

^[1] Referring to *Sūrat At-Talāq*.

^[2] Slave woman who has borne a child.

2. There is a difference of opinion among scholars as to the 'Iddah period of the *Umm Walad* whose master has died. Some say that the 'Iddah period for her is three menses, and others say it is one menstrual cycle. But according to those scholars who maintain that this narration is authentic, her 'Iddah period is four months and ten days. Allāh knows best.

Chapter 47/49. The Thrice Divorced Woman Cannot Return To Her Husband Until She Re-Marries

2309. 'Āishah narrated that the Messenger of Allāh ﷺ was asked about a man who divorced his wife for the third time, so she married another husband, who then divorced her before engaging in intercourse with her: Is she permissible for her first husband? The Prophet ﷺ replied: "She is not permissible for her first husband until she tastes his pleasure and he tastes hers." (*Da'if*)

(المعجم ٤٧، ٤٩) - بَابُ الْمُبْتَوَةِ لَا يَرْجِعُ إِلَيْهَا زَوْجُهَا حَتَّى تَتَكَبَّحَ زَوْجًا غَيْرَهُ
(التحفة ٤٩)

٢٣٠٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: سُئِلَ رَسُولُ اللَّهِ ﷺ عَنْ رَجُلٍ طَلَّقَ امْرَأَتَهُ يَعْنِي ثَلَاثًا فَتَزَوَّجَتْ زَوْجًا غَيْرَهُ فَدَخَلَ بِهَا ثُمَّ طَلَّقَهَا قَبْلَ أَنْ يُوَاعِقَهَا، أَتَحِلُّ لَزَوْجِهَا الْأَوَّلِ؟ قَالَتْ: قَالَ النَّبِيُّ ﷺ: «لَا تَحِلُّ لِلْأَوَّلِ حَتَّى تَذُوقَ عُسَيْلَةَ الْآخِرِ وَيَذُوقَ عُسَيْلَتَهَا».

تخریج: [إسناده ضعيف] أخرجه النسائي، الطلاق، باب الطلاق التي تنكح زوجاً ثم لا يدخل بها، ح: ٣٤٣٦ من حديث أبي معاوية الضرير به وللحديث شواهد كثيرة * الأعمش وإبراهيم مدلسان وعنعنا، وحديث البخاري، ح: ٥٢٦١، ومسلم، ح: ١٤٣٣ يغني عنه.

Comments:

It is inferred from this *Hadīth* that just another wedding is not enough, but normal marital relation between the divorced wife and her second husband must take place. If the second husband divorces her without this marital relationship, the woman shall not be lawful for her first husband. Hence, those who marry a thrice divorced woman with the intention to make her lawful for her first husband, in fact, commit adultery, since this conditional marriage is not a valid marriage.

Chapter 48/50. The Gravity Of Fornication

2310. 'Abdullāh (Ibn Mas'ūd) narrated that he asked the Messenger of Allāh ﷺ: "What is the greatest sin?" He replied:

(المعجم ٤٨، ٥٠) - بَابُ: فِي تَعْظِيمِ الزَّانَا
(التحفة ٥٠)

٢٣١٠ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ، عَنْ

“That you make a partner along with Allāh, even though He is the One who created you.” He said: “Then what?” He replied: “That you kill your child out of fear that he will eat with you.” He said: “Then what?” He replied: “That you fornicate with your neighbour’s wife.” ‘Abdullāh said: “And Allāh revealed the affirmation of the Prophet’s ﷺ saying: And those who do not call out to others besides Allāh, and do not kill the soul that Allāh has prohibited, and do not fornicate.”^[1] (*Ṣaḥīḥ*)

عَمْرُو بْنُ شَرْحِبِيلَ، عَنْ عَبْدِ اللَّهِ قَالَ: قُلْتُ: يَارَسُولَ اللَّهِ! أَيُّ الذَّنْبِ أَعْظَمُ؟ قَالَ: «أَنْ تَجْعَلَ لِلَّهِ نِدًّا وَهُوَ خَلَقَكَ». قَالَ: قُلْتُ: ثُمَّ أَيُّ؟ قَالَ: «أَنْ تَقْتُلَ وَلَدَكَ خَشْيَةً أَنْ يَأْكُلَ مَعَكَ». قَالَ: ثُمَّ أَيُّ؟ قَالَ: «أَنْ تُزَانِيَ حَلِيلَةَ جَارِكَ». قَالَ: وَأَنْزَلَ تَصْدِيقُ قَوْلِ النَّبِيِّ ﷺ: ﴿وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ﴾ الآية [الفرقان: ٦٨].

تخریج: أخرجه البخاري، الأدب، باب قتل الولد خشية أن يأكل معه، ح: ٦٠٠١ عن محمد ابن كثير ومسلم، الإيمان، باب بيان كون الشرك أقبح الذنوب وبيان أعظمها بعده، ح: ١٤١/٨٦ من حديث منصور به.

2311. It was reported from Abū Az-Zubair, from Jābir bin ‘Abdullāh, that he said: “Musaikah came to some of the *Anṣār*, and said: ‘My master forces me to prostitution.’ So because of that, it was revealed: And do not force your slave girls into prostitution.”^[2] (*Ṣaḥīḥ*)

٢٣١١ - حَدَّثَنَا أَحْمَدُ بْنُ إِبْرَاهِيمَ عَنْ حَجَّاجٍ، عَنْ ابْنِ جُرَيْجٍ قَالَ: وَأَخْبَرَنِي أَبُو الزُّبَيْرِ، أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: جَاءَتْ مُسَيِّكَةُ لِبَعْضِ الْأَنْصَارِ فَقَالَتْ: إِنَّ سَيِّدِي يُكْرِهُنِي عَلَى الْبَغَاءِ، فَتَزَلُ فِي ذَلِكَ: ﴿وَلَا تُكْرِهُوا فَتِيَّتَكُمْ عَلَى الْبَغَاءِ﴾.

تخریج: [إسناده صحيح] أخرجه النسائي في الكبرى، ح: ١١٣٦٥ من حديث حمّاج بن محمد به.

2312. It was reported from Sa‘eed bin Abī Al-Ḥasan, that he said, regarding the Verse:...and whoever forces them, then indeed, after their compelling, Allāh is Ever-

٢٣١٢ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ: حَدَّثَنَا مُعْتَمِرٌ عَنْ أَبِيهِ: «وَمَنْ يُكْرِهُنَّ فَإِنَّ اللَّهَ مِنْ بَعْدِ إِكْرِهِنَّ عُفُوٌّ رَحِيمٌ» [النور: ٣٣] قَالَ قَالَ

^[1] *Al-Furqān* 25:68.

^[2] *An-Nūr* 24:33.

Forgiving, Extremely Merciful ^[1]
 “Allāh is forgiving to those who
 were forced (into this act).” (*Ḍaʿīf*)

سَعِيدُ بْنُ أَبِي الْحَسَنِ: غَفُورٌ: لَهُنَّ،
 الْمُكْرَهَاتِ.

تخريج: [إسناده ضعيف] كان سليمان التيمي يذلس، تاريخ ابن معين، ح: ٣٦٠٠ وعن.

The End of the Book of Divorce.

^[1] *An-Nūr* 24:33.

14. THE BOOK OF FASTING

(المعجم ١٤) - أَوَّلُ كِتَابِ الصَّيَامِ

(التحفة ٨)

Chapter 1. The Beginning Of The Ordainment Of Fasting

(المعجم ١) - بَابُ مَبْدَأِ فَرَضِ الصَّيَامِ

(التحفة ١)

2313. Ibn ‘Abbās said, regarding the following (Verse): O you who believe! Fasting is prescribed for you, as it was prescribed for those before you...^[1] “During the lifetime of the Prophet ﷺ, when the people prayed *Al-‘Atamah* (*Salat Al-‘Ishā*) it became unlawful for them to eat and drink and have intercourse with women. They would fast till the next sunset. A man deceived himself by having intercourse with his wife after he had prayed ‘*Ishā*’, and did not break his fast. So Allāh, the Mighty and Sublime, intended to make that easier for those who remained, and grant them permission, and benefit. Allāh, the Glorious, said (the Verse): Allāh knows that you used to deceive yourselves...^[2] And by this Allāh benefited people, a grant for them and ease.”^[3] (*Hasan*)

٢٣١٣ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ شَبُوهَ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنِ بْنِ وَاقِدٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: ﴿يَتَأْتِيهَا الَّذِينَ ءَامَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ﴾ [البقرة: ١٨٣] فَكَانَ النَّاسُ عَلَى عَهْدِ النَّبِيِّ ﷺ إِذَا صَلَّوْا الْعَتَمَةَ حَرَّمَ عَلَيْهِمُ الطَّعَامَ وَالشَّرَابَ وَالْبَسَاءَ وَصَامُوا إِلَى الْقَابِلَةِ، فَاخْتَانَ رَجُلٌ نَفْسَهُ فَجَامَعَ امْرَأَتَهُ وَقَدْ صَلَّى الْعِشَاءَ وَلَمْ يُفْطِرْ، فَأَرَادَ اللَّهُ عَزَّوَجَلَّ أَنْ يَجْعَلَ ذَلِكَ يُسْرًا لِمَنْ بَقِيَ وَرُخْصَةً وَمَنْفَعَةً، فَقَالَ سُبْحَانَهُ: ﴿عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ﴾ [البقرة: ١٨٧]. وَكَانَ هَذَا مِمَّا نَفَعَ اللَّهُ بِهِ النَّاسَ وَرَخَّصَ لَهُمْ وَيَسَّرَ.

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٠١/٤ من حديث أبي داود به.

Comments:

Ṣawm or *Ṣiyām* (an Arabic infinitive) means abstinence. As an Islamic term it means fasting — a special act of devotion — in which a believer, in obedience

^[1] *Al-Baqarah* 2:183.

^[2] *Al-Baqarah* 2:187.

^[3] Another part of this narration, with the same chain of narrators, preceded. See no. 2090.

to the command of Allāh, abstains, from dawn to sunset, from all things that would invalidate his fast, such as food, drink, and sexual activity. These things are normally permitted in life but prohibited during the fast.

2314. Abū Ishāq reported from Al-Barā', who said: "When a man fasted, then slept, he would not eat until the next (sunset). Şirmah bin Qais Al Anşārī^[1] was fasting, and he came to his wife and asked her: 'Do you have anything (to eat)?' She replied: 'No, but I will go and seek something for you.' While she was away, sleep overpowered him. When she saw him asleep upon her return, she said: 'What a disappointment for you!' Thus by midday of the following day he fainted, as he used to work all day long on his land. That was mentioned to the Prophet ﷺ, and the following was revealed: It is made lawful for you to have sexual relations with your wives on the night of fast....' He recited up to: of dawn.^[2] (*Ṣaḥih*)

٢٣١٤ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ بْنِ نَصْرٍ الْجَهْضَمِيُّ: أَخْبَرَنَا أَبُو أَحْمَدَ: أَخْبَرَنَا إِسْرَائِيلُ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ قَالَ: كَانَ الرَّجُلُ إِذَا صَامَ فَنَامَ لَمْ يَأْكُلْ إِلَى مِثْلِهَا، وَإِنَّ صِرْمَةَ بْنَ قَيْسٍ الْأَنْصَارِيَّ أَتَى امْرَأَتَهُ وَكَانَ صَائِمًا فَقَالَ: عِنْدَكَ شَيْءٌ؟ قَالَتْ: لَا لَعَلِّي أَذْهَبُ فَأُطْلَبَ لَكَ شَيْئًا، فَذَهَبَتْ وَغَلَبَتْهُ عَيْنُهُ فَجَاءَتْ فَقَالَتْ خَبِيرَةً لَكَ، فَلَمْ يَنْتَصِفِ النَّهَارَ حَتَّى غَشِيَ عَلَيْهِ، وَكَانَ يَعْمَلُ يَوْمَهُ فِي أَرْضِهِ، فَذَكَرَ ذَلِكَ لِلنَّبِيِّ ﷺ فَتَرَلَّتْ: ﴿أَحَلَّ لَكُمْ لَيْلَةَ الصَّيَامِ الرِّفْتَ إِلَى نِسَائِكُمْ﴾ - قَرَأَ إِلَى قَوْلِهِ - ﴿مَنْ أَلْفَجَرَ﴾.

تخريج: أخرجه البخاري، الصوم، باب قول الله جل ذكره: ﴿أَحَلَّ لَكُمْ لَيْلَةَ الصَّيَامِ الرِّفْتَ إِلَى نِسَائِكُمْ﴾... إلخ، ح: ١٩١٥ من حديث إسرائيل به.

Comments:

On the face of it, this *Hadith* seems to be in conflict with the one before it, for it states that until then, the rule was that even if a person that had fasted in the day had a nap after *Iftar* (regardless of whether he had performed his '*Ishā*' prayer or not), the door of having food, drink and sexual relations was legally closed for him. Scholars of *Hadith*, however, see no conflict between the two and suggest that either of the two actions (sleep or '*Ishā*' prayer) was cause enough to bar a person from indulging in those acts until the next *Iftar* time. Thereafter, Allāh granted the permission to perform those acts from

^[1] Al-Hāfiẓ Ibn Hajar (after no. 1915 of Al-Bukhārī) discussed, at length, the variations reported for his name. His preference was, Abū Qais, Şirmah bin Abī Anas, and he indicated that all of the variations indicating differently are merely mistakes in citing his name.

^[2] *Al-Baqarah* 2:187.

after sunset until dawn, which was a great relief for them.

Chapter 2. Abrogation Of The Saying of Allāh, Most High: As For Those Who Can Fast With Difficulty Is A Ransom.

2315. Salamah bin Al-Akwa' narrated: "When this Verse was revealed; "And as for those who can fast with difficulty, (e.g. an old man), they have (a choice either to fast or) to feed a poor person (for every day)."^[1] Those of us who wanted to not to fast and pay a ransom would do so, until the Verse after it was revealed, abrogating it." (*Sahih*)

(المعجم ٢) - بَابُ نَسْخِ قَوْلِهِ تَعَالَى :
﴿وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ﴾ (التحفة ٢)

٢٣١٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا
بُكَيْرُ بْنُ يَعْنَى ابْنُ مُضَرَ عَنْ عَمْرِو بْنِ الْحَارِثِ،
عَنْ بُكَيْرٍ، عَنْ يَزِيدَ مَوْلَى سَلَمَةَ، عَنْ سَلَمَةَ
ابْنِ الْأَكْوَعِ قَالَ: لَمَّا نَزَلَتْ هَذِهِ الْآيَةُ:
﴿وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ﴾
[البقرة: ١٨٤] كَانَ مَنْ أَرَادَ مِنَّا أَنْ يُفْطِرَ
وَيَقْتَدِيَ فَعَلَ حَتَّى نَزَلَتْ الْآيَةُ الَّتِي بَعْدَهَا
فَنَسَخْتُهَا.

تخريج: أخرجه البخاري، التفسير، سورة البقرة، باب: ﴿فمن شهد منكم الشهر فليصمه﴾،
ح: ٤٥٠٧ مسلم، الصيام، باب بيان نسخ قول الله تعالى: ﴿وعلى الذين يطيقونه فدية...﴾
إلخ"، ح: ١١٤٥ كلاهما عن قتيبة به.

2316. 'Ikrimah reported from Ibn 'Abbās: "And as for those who can fast with difficulty, (e.g. an old man), they have (a choice either to fast or) to feed a poor person (for every day)."^[2] (He said): "So whoever among them wanted to, he could pay the ransom, feeding a poor person, and hence his fast would be complete. Then Allāh, the Mighty and Sublime, said: "But whoever does good of his own accord, it is better for him. And that you fast is better."^[3] — and He said: "So whoever of you sights

٢٣١٦ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا
عَلِيُّ بْنُ حُسَيْنٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّخَوِيِّ،
عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ ﴿وَعَلَى الَّذِينَ
يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ﴾ فَكَانَ مَنْ شَاءَ
مِنْهُمْ أَنْ يَقْتَدِيَ بِطَعَامِ مِسْكِينٍ افْتَدَى وَتَمَّ لَهُ
صَوْمُهُ، فَقَالَ عَزَّ وَجَلَّ: ﴿فَمَنْ تَطَوَّعَ خَيْرًا فَهُوَ
خَيْرٌ لَّهُ وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ﴾ وَقَالَ:
﴿فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ
مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ﴾
[البقرة: ١٨٤، ١٨٥].

^[1] Al-Baqarah 2:184.

^[2] Al-Baqarah 2:184.

^[3] Al-Baqarah 2:184.

(the crescent on the first night of the month (of Ramaḍan i.e. is present at his home), he must observe fast that month, and whoever is ill or on a journey, the same number (of days which one did not observe fast must be made up) from other days.”^[1] (*Hasan*)

Chapter 3. Whoever Said That It Applies To The Elderly And Pregnant

2317. Qatādah narrated that ‘Ikrimah narrated to him, that Ibn ‘Abbās said: “It applies to the pregnant and breast-feeding (women).” (*Ṣaḥīḥ*)

2318. It was reported from Sa‘eed bin Jubair, from Ibn ‘Abbās: “And as for those who can fast with difficulty, (e.g. an old man), they have (a choice either to fast or) to feed a poor person (for every day).”^[2] He said: “It was a concession, allocated for the elderly man and woman who were able to fast (but with difficulty), not to fast and feed one poor person for each day, and also for the pregnant and breast-feeding (women) if they fear.” (*Ḍa‘īf*)

Abū Dāwud said: Meaning: “(fear) for their children;” then the two of them do not fast, and they feed.

تخريج: [إسناده حسن] انفرد به أبو داود.

(المعجم ٣) - بَابُ مَنْ قَالَ: هِيَ مُتَبِّتَةٌ
لِلشَّيْخِ وَالْحَبْلَى (التحفة ٣)

٢٣١٧ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبَانُ: حَدَّثَنَا قَتَادَةُ أَنَّ عِكْرِمَةَ حَدَّثَهُ أَنَّ ابْنَ عَبَّاسٍ قَالَ: أُتِبْتُ لِلْحَبْلَى وَالْمَرْضِعِ.
تخريج: [إسناده صحيح] انفرد به أبو داود.

٢٣١٨ - حَدَّثَنَا ابْنُ الْمُثَنَّى: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ [عَزْرَةَ]، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ: ﴿وَعَلَى الَّذِينَ يُطِيقُونَ فِدْيَةً طَعَامُ مِسْكِينٍ﴾ قَالَ: كَانَتْ رُحْصَةً لِلشَّيْخِ الْكَبِيرِ وَالْمَرْأَةِ الْكَبِيرَةِ وَهُمَا يُطِيقَانِ الصَّيَامَ أَنْ يُفْطِرَا وَيُطْعَمَا مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا وَالْحَبْلَى وَالْمَرْضِعَ إِذَا خَافَتَا.
قَالَ أَبُو دَاوُدَ: يَعْنِي عَلَى أَوْلَادِهِمَا أَفْطَرَتَا وَأَطْعَمَتَا.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٣٠/٤ من حديث أبي داود به * قتادة: عن عن.

^[1] *Al-Baqarah* 2:185.

^[2] *Al-Baqarah* 2:184.

Comments:

There is an allowance for men and women who are either too old or are not able to bear fasting, to pay the compensation in lieu of the missed fast. The concession also applies to pregnant and breast-feeding women whose babies might be at risk if they fast. Such women can forgo the fast for the time being. There is, however, a difference of opinion in this later case, as to whether or not they shall make up for their missed fasts later on.

Chapter 4. The Month May Be Twenty-Nine Days

(المعجم ٤) - بَابُ الشَّهْرِ يَكُونُ تِسْعًا وَعِشْرِينَ (التحفة ٤)

2319. It was reported from Sa'eed bin 'Amr, meaning Ibn Sa'eed bin Al-'Āṣ, from Ibn 'Umar, who said: "Allāh's Messenger ﷺ said: 'We are an unlettered nation, we cannot write nor calculate. The month is thus, and thus, and thus.'" (One of the narrators) Sulaimān closed one of his fingers the third time, indicating that a month is twenty-nine days, and (sometimes) thirty. (*Ṣaḥīḥ*)

٢٣١٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا شُعْبَةُ عَنْ الْأَسْوَدِ بْنِ قَيْسٍ، عَنْ سَعِيدِ بْنِ عَمْرٍو يَعْنِي ابْنَ سَعِيدِ بْنِ الْعَاصِ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّا أُمَّةٌ أُمِّيَّةٌ لَا نَكْتُبُ وَلَا نَحْسِبُ. الشَّهْرُ هَكَذَا وَهَكَذَا وَهَكَذَا» وَخَسَّ سُلَيْمَانُ إصْبَعَهُ فِي الثَّالِثَةِ يَعْنِي تِسْعًا وَعِشْرِينَ وَثَلَاثِينَ.

تخريج: أخرجه البخاري، الصوم، باب قول النبي ﷺ: "لا نكتب ولا نحسب"، ح: ١٩١٣، ومسلم، الصيام، باب وجوب صوم رمضان لرؤية الهلال ... إلخ، ح: ١٥/١٠٨٠ من حديث شعبة به.

Comments:

"We are an illiterate nation" may be understood in the historical context that reading and writing was rare in the Arab society of those days. Very few people knew it.

2320. Nāfi' reported from Ibn 'Umar, who said: "Allāh's Messenger ﷺ said: 'The month consists of twenty-nine days. Do not fast until you see it (the crescent) and do not break the fast until you see it (the crescent). If it is cloudy, then complete thirty days.'" He said: "So when it was the twenty-ninth of Sha'bān, Ibn 'Umar

٢٣٢٠ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ: حَدَّثَنَا حَمَّادٌ: حَدَّثَنَا أَيُّوبُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الشَّهْرُ تِسْعٌ وَعِشْرُونَ فَلَا تَصُومُوا حَتَّى تَرَوْهُ وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ. فَإِنْ غَمَّ عَلَيْكُمْ فَأَقْدُرُوا لَهُ ثَلَاثِينَ». قَالَ: فَكَانَ ابْنُ عُمَرَ إِذَا كَانَ شَعْبَانَ تِسْعًا وَعِشْرِينَ نَظَرَ لَهُ فَإِنْ رُئِيَ فَذَلِكَ

would appoint somebody to sight the crescent for him. If it was sighted then so (he would fast). If it was not sighted, and there was no cloud or dust on the horizon, he would not fast the next morning. If it was not sighted due to clouds or dust, he would fast the next morning.” He said: “And Ibn ‘Umar would end his fasting along with the people, without counting this way. (*Ṣaḥīḥ*)

وَإِنْ لَمْ يَرَوْهُ وَلَمْ يَحُلْ دُونَ مَنْظَرِهِ سَحَابٌ وَلَا قَتْرَةٌ أَصْبَحَ مُفْطِرًا، فَإِنْ حَالَ دُونَ مَنْظَرِهِ سَحَابٌ أَوْ قَتْرَةٌ أَصْبَحَ صَائِمًا. قَالَ: وَكَانَ ابْنُ عُمَرَ يُفْطِرُ مَعَ النَّاسِ وَلَا يَأْخُذُ بِهَذَا الْحِسَابِ.

تخريج: أخرجه مسلم، الصيام، باب وجوب صوم رمضان لرؤية الهلال ... إلخ، ح: ٦/١٠٨٠ من حديث أيوب السخيتاني به وسنده صحيح.

2321. Ayyūb said: “‘Umar bin ‘Abdul-‘Azīz wrote to the people of Al-Baṣrah: ‘It has been conveyed to us, from the Messenger of Allāh ﷺ...’” — similar to the (previous) narration of Ibn ‘Umar, from the Prophet ﷺ. And he added: “The best means of calculation is that if we sight the crescent of Sha‘bān on such and such date,^[1] then Allāh Willing, the fast will begin on such and such date unless the crescent is sighted before that.” (*Ḍa‘īf*)

٢٣٢١ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعُودَةَ: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنِي أَيُّوبُ قَالَ: كَتَبَ عُمَرُ ابْنُ عَبْدِ الْعَزِيزِ إِلَى أَهْلِ الْبَصْرَةِ: بَلَّغْنَا عَنْ رَسُولِ اللَّهِ ﷺ نَحْوَ حَدِيثِ ابْنِ عُمَرَ عَنِ النَّبِيِّ ﷺ زَادَ «وَأِنْ أَحْسَنَ مَا يُقَدَّرُ لَهُ أَنَا إِذَا رَأَيْنَا هِلَالَ شَعْبَانَ لِكَذَا وَكَذَا فَالْصَّوْمُ إِنْ شَاءَ اللَّهُ لِكَذَا وَكَذَا إِلَّا أَنْ يَرَوْا الْهِلَالَ قَبْلَ ذَلِكَ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٠٥/٤ من حديث أبي داود به وانظر الحديث السابق: ٢٣٢٠ الحديث مرسل، ولم يخبر الإمام عمر بن عبدالعزيز بلغه به.

2322. Ibn Mas‘ūd said: “We fasted with the Prophet ﷺ for twenty-nine days, more often than we fasted with him for thirty days.” (*Ṣaḥīḥ*)

٢٣٢٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ عَنْ ابْنِ أَبِي زَائِدَةَ، عَنْ عِيسَى بْنِ دِينَارٍ، عَنْ أَبِيهِ، عَنْ عَمْرِو بْنِ الْحَارِثِ بْنِ أَبِي ضِرَارٍ، عَنْ ابْنِ مَسْعُودٍ قَالَ: لَمَّا صُومْنَا مَعَ النَّبِيِّ ﷺ تِسْعًا وَعِشْرِينَ أَكْثَرُ مِمَّا صُومْنَا مَعَهُ ثَلَاثِينَ.

^[1] Meaning: “If we sight it on the thirtieth night of Rajab.”

تخريج: [إسناده صحيح] أخرجه الترمذي، الصوم، باب ما جاء أن الشهر يكون تسعاً وعشرين، ح: ٦٨٩ عن أحمد بن منيع به * يحيى بن زكريا بن أبي زائدة: صرح بالسماع.

Comments:

Twenty-nine days of fasting carries as much merit and reward as of thirty days since the deciding factor is one's sincerity and obedience to the commands of Allāh.

2323. It was reported from ‘Abdur-Rahmān bin Abī Bakrah, from his father, from the Prophet ﷺ that he said: “The two months of ‘Eid are never incomplete; Ramaḍān and Dhul-Hijjah.” (*Ṣaḥīḥ*)

٢٣٢٣ - حَدَّثَنَا مُسَدَّدٌ أَنَّ يَزِيدَ بْنَ زُرَيْعٍ حَدَّثَهُمْ: حَدَّثَنَا خَالِدُ الْحَذَاءِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ قَالَ: «شَهْرَا عِيدٍ لَا يَنْقُصَانِ رَمَضَانُ وَذُو الْحِجَّةِ».

تخريج: أخرجه مسلم، الصيام، باب بيان معنى قوله ﷺ: "شهر عید لا ینقصان"، ح: ١٠٨٩ من حدیث یزید بن زریع، والبخاری، الصوم، باب: شهر عید لا ینقصان، ح: ١٩١٢ من حدیث خالد الحذاء به.

Comments:

Meaning, even if the month is less than thirty days, the reward will not be diminished.

Chapter 5. When The People Are Mistaken In Sighting The Crescent.

2324. It was reported from Muḥammad bin Al-Munkadir, from Abū Hurairah — and he mentioned the Prophet ﷺ in it, he said: “Your breaking of the fast (‘Eid Al-Fiṭr) is the day that (all of) you break your fast, and your sacrificing (‘Eid Al-Adḥā), is on the day that (all of) you sacrifice, and all of ‘Arafat is a place of standing, and all of Minā is a place for slaughtering, and all of the mountain paths of Makkah are a place of slaughtering, and all of Jam‘ (Muzdalifah) is a place of halting.” (*Ṣaḥīḥ*)

(المعجم ٥) بَابُ: إِذَا أَخْطَأَ الْقَوْمُ
الْهَيْلَالَ (التحفة ٥)

٢٣٢٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ: حَدَّثَنَا حَمَّادٌ فِي حَدِيثِ أَيُّوبَ عَنْ مُحَمَّدِ بْنِ الْمُثَنِّكِ، عَنْ أَبِي هُرَيْرَةَ ذَكَرَ النَّبِيُّ ﷺ فِيهِ قَالَ: «وَفِطْرُكُمْ يَوْمَ تَفْطُرُونَ وَأَضْحَاكُمْ يَوْمَ تُضَحُّونَ وَكُلُّ عَرَفَةَ مَوْقِفٌ وَكُلُّ مِنَى مَنَحَرٌ، وَكُلُّ فِجَاجٍ مَكَّةَ مَنَحَرٌ وَكُلُّ جَمْعٍ مَوْقِفٌ».

تخريج: [إسناده صحيح] أخرجه الدارقطني: ١٦٤/٢ والبيهقي: ٣/٣١٧ من حدیث أبي داود

به، ورواه ابن ماجه، ح: ١٦٦٠ بسند آخر به مختصراً.

Comments:

Meaning, when the Muslims recognize it to be these days, then the reward is in accord, even if there was an error in witnessing the new crescent of the month.

Chapter 6. When (Sighting the Crescent for) The Month Was Obscured

(المعجم ٦) بَابُ: إِذَا أُغْمِيَ الشَّهْرُ
(التحفة ٦)

2325. ‘Abdullāh bin Abī Qais said: “I heard ‘Āishah, may Allāh be pleased with her, saying: ‘The Messenger of Allāh ﷺ used to be more tentative in ascertaining the days of Sha‘bān then any other month. Then he would fast upon the sighting (of the crescent) of Ramādān. If it was obscured from him,^[1] he would complete thirty days (of Sha‘bān) and then fast.” (Ṣaḥīḥ)

٢٣٢٥ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنِي مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَيْسٍ قَالَ: سَمِعْتُ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا تَقُولُ: كَانَ رَسُولُ اللَّهِ ﷺ يَتَحَفَّظُ مِنْ شَعْبَانَ مَا لَا يَتَحَفَّظُ مِنْ غَيْرِهِ، ثُمَّ يَصُومُ لِرُؤْيَا رَمَضَانَ، فَإِنْ غُمَّ عَلَيْهِ عَدَّ ثَلَاثِينَ يَوْمًا ثُمَّ صَامَ.

تخريج: [إسناده صحيح] أخرجه ابن عبد البر في التمهيد: ٣٥٣/١٤ من حديث أبي داود به، وهو في مسند الإمام أحمد: ١٤٩/٦ وصححه ابن خزيمة، ح: ١٩١٠ وابن حبان، ح: ٨٦٩ والحاكم على شرط الشيخين: ٤٢٣/١ ووافقه الذهبي.

2326. It was reported from Rib‘ī bin Hirāsh, from Hudhaifah, who said: “The Messenger of Allāh ﷺ said: ‘Do not precede the month (by fasting) until you sight the crescent, or you have completed the count (of thirty days). Then fast until you sight the crescent, or you have completed the count (of thirty days).” (Ṣaḥīḥ)

٢٣٢٦ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ الْبَزَّازُ: حَدَّثَنَا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ الصَّبِّيُّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ، عَنْ رَبِيعِ بْنِ جِرَاشٍ، عَنْ حَذِيفَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَقْدَمُوا الشَّهْرَ حَتَّى تَرَوْا الْهِلَالَ أَوْ تُكْمِلُوا الْعِدَّةَ ثُمَّ صُومُوا حَتَّى تَرَوْا الْهِلَالَ أَوْ تُكْمِلُوا الْعِدَّةَ».

Abū Dāwud said: Sufyān and others reported it from Mansūr, from Rib‘ī, from a man among the Companions of the Prophet ﷺ — without naming Hudhaifah.

قَالَ أَبُو دَاوُدَ: رَوَاهُ سُفْيَانُ وَغَيْرُهُ عَنْ مَنْصُورٍ، عَنْ رَبِيعٍ، عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ لَمْ يُسَمَّ حَدِيفَةَ.

^[1] Meaning if it were cloudy or the like and the crescent was not visible.

تخريج: [إسناده صحيح] أخرجه النسائي، الصيام، باب ذكر الاختلاف على منصور في حديث ربعي فيه، ح: ٢١٢٨ من حديث جرير به، وصححه ابن خزيمة، ح: ١٩١١ وابن حبان، ح: ٨٧٥.

Chapter 7. Whoever Said That If It Is Obscured From You (The Crescent), Then Fast Thirty Days

2327. It was reported from Simāk, from 'Ikrimah, from Ibn 'Abbās, who said: "The Messenger of Allāh ﷺ said: 'Do not precede the month by fasting a day or two, except if one has been in practice of fasting on a particular day, and do not fast until you sight it (the crescent), then fast until you sight it. If it is obscure due to weather, then complete the count of thirty (days), and then break the fast. The month (may be) twenty-nine days. (Da'īf)

Abū Dāwud said: It was reported with similar meaning by Ḥātim bin Abī Ṣagīrah, Shu'bah and Al-Ḥasan bin Ṣāliḥ, from Simāk, but they did not mention: "and then break the fast."

Abū Dāwud said: He is Ḥātim bin Muslim bin Abī Ṣagīrah, and Abū Ṣagīrah is his mother's husband.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء أن الصوم لرؤية الهلال والإفطار له، ح: ٦٨٨ والنسائي، ح: ٢١٣١ من حديث سماك بن حرب به وقال الترمذي: "حسن صحيح" قلت: سنده ضعيف سلسلة سماك عن عكرمة سلسلة ضعيفة.

Chapter 8. Regarding Preceding (Ramaḍān By Fasting At The End of Sha'hān)

2328. 'Imrān bin Ḥuṣain said: "The Messenger of Allāh ﷺ asked

(المعجم ٧) - بَابُ مَنْ قَالَ: فَإِنْ غَمَّ عَلَيْكُمْ فَصُومُوا ثَلَاثِينَ (التحفة ٧)

٢٣٢٧ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا حُسَيْنٌ عَنْ زَائِدَةَ، عَنْ سِمَاكِ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَقْدُمُوا الشَّهْرَ بِصِيَامِ يَوْمٍ وَلَا يَوْمَيْنِ إِلَّا أَنْ يَكُونَ شَيْءٌ يَصُومُهُ أَحَدُكُمْ، وَلَا تَصُومُوا حَتَّى تَرَوْهُ ثُمَّ صُومُوا حَتَّى تَرَوْهُ، فَإِنْ حَالَ دُونَهُ غَمَامَةٌ فَأَتِمُّوا الْعِدَّةَ ثَلَاثِينَ. ثُمَّ أَفْطَرُوا وَالشَّهْرُ تِسْعٌ وَعِشْرُونَ».

قَالَ أَبُو دَاوُدَ: رَوَاهُ حَاتِمُ بْنُ أَبِي صَغِيرَةَ وَشُعْبَةُ وَالْحَسَنُ بْنُ صَالِحٍ عَنْ سِمَاكِ بِمَعْنَاهُ، لَمْ يَقُولُوا: «ثُمَّ أَفْطَرُوا».

قَالَ أَبُو دَاوُدَ: وَهُوَ حَاتِمُ بْنُ مُسْلِمٍ بْنِ أَبِي صَغِيرَةَ وَأَبُو صَغِيرَةَ: رَوْحُ أُمِّهِ.

(المعجم ٨) - بَابُ: فِي التَّقَدُّمِ (التحفة ٨)

٢٣٢٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ ثَابِتٍ، عَنْ مُطَرِّفٍ، عَنْ

a man: 'Did you fast from the last days (*Sarar*)^[1] of *Sha'bān*?' He said: 'No.' The Prophet ﷺ said: 'After completing (the fast of *Ramaḍān*) fast a day.' One of the two of them (the narrators) said: "Two days." (*Sahih*)

عُمَرَانُ بْنُ حُصَيْنٍ وَسَعِيدُ الْجُرَيْرِيِّ، عَنْ أَبِي
الْعَلَاءِ، عَنْ مُطَرِّفٍ، عَنْ عُمَرَانَ بْنِ حُصَيْنٍ:
أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ لِرَجُلٍ: «هَلْ صُمْتَ
مِنْ سَرَرِ شَعْبَانَ شَيْئًا؟» قَالَ: لَا، قَالَ: «فَإِذَا
أَفْطَرْتَ فَصُمْ يَوْمًا»، وَقَالَ أَحَدُهُمَا:
«يَوْمَيْنِ».

تخريج: أخرجه مسلم، الصوم، باب صوم سرر شعبان، ح: ١١٦٦/ب/ ١٩٩ من حديث حماد
ابن سلمة والبخاري، الصوم، باب الصوم من آخر الشهر، ح: ١٩٨٣ من حديث مطرف به.

Comments:

This *Hadith* might apparently seem to be in conflict with the preceding one. The disparity, however, is resolved when we consider the fact that this permission or instruction is only meant for the person who is already under a vow to observe the fasts, or has constantly been observing those fasts on those particular days. No other person who is neither under a vow nor has been accustomed to observing those fasts but wishes to keep them as voluntary fasts is allowed to do so.

2329. Abū Al-Azhar Al-Mugīrah bin Farwah said: "Mu'āwiyah stood among the people in Dair Miṣhal which is at the gate of Ḥimṣ. He said: 'O people! We have sighted the crescent (of *Sha'bān*) on such and such day. We will fast in advance (in *Sha'bān* before *Ramaḍān*). Anyone who likes to do so, he may do so.'" He said: "Mālik bin Hubairah As-Saba'i stood up and said: 'O Mu'āwiyah! Did you hear this from Allāh's Messenger ﷺ or is it something from your opinion?' He replied: 'I heard the Messenger of Allāh ﷺ saying: "Fast the (beginning of the) month, and *Sirrahu* (its end)." (*Hasan*)

٢٣٢٩ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْعَلَاءِ
الرُّبَيْدِيُّ مِنْ كِتَابِهِ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ:
حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْعَلَاءِ عَنْ أَبِي الْأَزْهَرِ
الْمُغِيرَةِ بْنِ فَرْوَةَ قَالَ: قَامَ مُعَاوِيَةُ فِي النَّاسِ
بَدِيرٍ مَسْحَلٍ الَّذِي عَلَى بَابِ حِمصَ فَقَالَ:
يَا أَيُّهَا النَّاسُ! إِنَّا قَدْ رَأَيْنَا الْهِلَالَ يَوْمَ كَذَا
وَكَذَا، وَأَنَا مُتَقَدِّمٌ بِالصَّيَامِ، فَمَنْ أَحَبَّ أَنْ
يَفْعَلَهُ فَلْيَفْعَلْهُ قَالَ: فَقَامَ إِلَيْهِ مَالِكُ بْنُ هُبَيْرَةَ
السَّبْيِيِّ، فَقَالَ: يَا مُعَاوِيَةُ! أَسْمَعْتَ مِنْ
رَسُولِ اللَّهِ ﷺ أَمْ شَيْءٌ مِنْ رَأْيِكَ؟ قَالَ:
سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «صُومُوا الشَّهْرَ
وَسِرَّهُ».

[1] See the discussion regarding nos. 2330 and 2331.

تخريج: [إسناده حسن] أخرجه الطبراني في الكبير: ٣٨٤/١٩، ح: ٩٠١، ومسنَد الشاميين: ٤٥١/١، ح: ٧٩٥ من حديث الوليد بن مسلم به، وصرح بالسماع المسلسل والحمد لله.

2330. Sulaimān bin Abdur-Rahmān Ad-Dimashqī narrated to us, in this *Hadīth*, he said: “Walīd said: ‘I heard Abū ‘Amr — meaning Al-Awzā‘ī saying: “*Sirruhu* (means): its beginning.” (*Hasan*)

تخريج: [إسناده حسن] أخرجه البيهقي: ٢١١/٤ من حديث أبي داود به، وقال بعض العلماء: الصحيح أن سره آخره.

2331. Aḥmad bin ‘Abdul-Wāḥid narrated to us (saying): “Abū Muḥ-hir narrated to us, he said: ‘Sa‘eed — meaning Ibn ‘Abdul-‘Azīz — said: “*Sirruhu* (means): its beginning.” (*Ṣaḥīḥ*)

Abū Dāwud said: Some of them said: *Sirruhu* is its middle, and they say that it is its end.

تخريج: [إسناده صحيح] أخرجه البيهقي: ٢١١/٤ من حديث أبي داود به.

Comments:

The preferable interpretation would be “in the last days of the month.”

Chapter 9. When The Crescent Is Sighted In A Land A Night Before It Is Sighted In Other Lands

2332. It was reported from Muḥammad bin Abī Ḥarmalah, who said: “Kuraib informed me that Umm Al-Faḍl, the daughter of Al-Ḥārith sent him to Mu‘āwiyah in *Ash-Shām*. He said: ‘I arrived in *Ash-Shām* and took care of her affairs. The crescent for Ramāḍan was sighted while I was in *Ash-Shām*. We sighted the crescent on the night of Friday. Then I arrived

٢٣٣٠ - حَدَّثَنَا سُلَيْمَانُ بْنُ عَبْدِ الرَّحْمَنِ الدِّمَشْقِيُّ فِي هَذَا الْحَدِيثِ قَالَ: قَالَ الْوَلِيدُ: سَمِعْتُ أَبَا عَمْرٍو يَعْنِي الْأَوْزَاعِيَّ يَقُولُ: سِرُّهُ: أَوَّلُهُ.

٢٣٣١ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الْوَاحِدِ: حَدَّثَنَا أَبُو مُسْهِرٍ قَالَ: كَانَ سَعِيدٌ يَعْنِي ابْنَ عَبْدِ الْعَزِيزِ يَقُولُ: سِرُّهُ: أَوَّلُهُ. قَالَ أَبُو دَاوُدَ: وَقَالَ بَعْضُهُمْ: سِرُّهُ وَسَطُهُ، وَقَالُوا: آخِرُهُ.

(المعجم ٩) بَابُ: إِذَا رُئِيَ الْهَيْلَالُ فِي بَلَدٍ قَبْلَ الْآخَرِينَ بِلَيْلَةٍ (التحفة ٩)

٢٣٣٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ جَعْفَرٍ: أَخْبَرَنِي مُحَمَّدُ بْنُ أَبِي حَرْمَلَةَ: أَخْبَرَنِي كُرَيْبٌ: أَنَّ أُمَّ الْفَضْلِ ابْنَةَ الْحَارِثِ بَعَثَتْهُ إِلَى مُعَاوِيَةَ بِالشَّامِ، قَالَ: فَقَدِمْتُ الشَّامَ فَقَضَيْتُ حَاجَتَهَا، فَاسْتَهْلَّ عَلَيْهِ رَمَضَانُ وَأَنَا بِالشَّامِ فَرَأَيْنَا الْهَيْلَالَ لَيْلَةَ الْجُمُعَةِ، ثُمَّ قَدِمْتُ الْمَدِينَةَ

in Al-Madīnah at the end of the month. Ibn ‘Abbās questioned me, then asked me about the crescent; “When did you sight the crescent?” I said: “I saw it on the night of Friday.” He said: “Did you see it yourself?” I said: “Yes, and the people (also) saw it, and they fasted, and Mu‘āwiyah fasted.” He said: “But we saw it on the night of Saturday, so we will not stop fasting until we complete thirty, or we see it.” So I said: “Is not the sighting of Mu‘āwiyah, and his fasting sufficient for you?” He said: “No; this is how Allāh’s Messenger ﷺ commanded us.” (*Ṣaḥīḥ*)

فِي آخِرِ الشَّهْرِ، فَسَأَلَنِي ابْنُ عَبَّاسٍ؟، ثُمَّ ذَكَرَ الْهِلَالَ فَقَالَ: مَتَى رَأَيْتُمُ الْهِلَالَ؟ قُلْتُ: رَأَيْتُهُ لَيْلَةَ الْجُمُعَةِ. قَالَ: أَنْتَ رَأَيْتَهُ؟ قُلْتُ: نَعَمْ وَرَأَاهُ النَّاسُ، وَصَامُوا وَصَامَ مُعَاوِيَةُ، قَالَ: لَكِنَّا رَأَيْنَاهُ لَيْلَةَ السَّبْتِ، فَلَا نَزَالَ نَصُومُهُ حَتَّى نُكْمِلَ الثَّلَاثِينَ أَوْ نَرَاهُ، فَقُلْتُ: أَفَلَا تَكْتَفِي بِرُؤْيَا مُعَاوِيَةَ وَصِيَامِهِ؟ قَالَ: لَا، هَكَذَا أَمَرَنَا رَسُولُ اللَّهِ ﷺ.

تخریج: أخرجه مسلم، الصيام، باب بيان أن لكل بلد رؤيتهم ... إلخ، ح: ١٠٨٧ من

حديث إسماعيل بن جعفر به.

Comments:

“This is how Allāh’s Messenger ﷺ commanded us” meaning, as Ibn ‘Abbās narrated from him ﷺ in no. 2327.

2333. Al-Ash‘ath reported from Al-Ḥasan (Al-Baṣrī), regarding a man who was in a certain land and he fasted on Monday. Two men testified that they sighted the crescent on the night of Sunday. He said: “That man does not make that day up, nor do the people of his land, unless they knew that the people of a land of the Muslims had fasted on Sunday; only then they will make it up.” (*Ṣaḥīḥ*)

٢٣٣٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُعَاذٍ: حَدَّثَنِي أَبِي: حَدَّثَنَا الْأَشْعَثُ عَنْ الْحَسَنِ: فِي رَجُلٍ كَانَ بِمِصْرَ مِنَ الْأَمْصَارِ فَصَامَ يَوْمَ الْإِثْنَيْنِ، وَشَهِدَ رَجُلَانِ أَنَّهُمَا رَأَيَا الْهِلَالَ لَيْلَةَ الْأَحَدِ، فَقَالَ: لَا يَقْضِي ذَلِكَ الْيَوْمَ الرَّجُلُ وَلَا أَهْلُ مِصْرِهِ إِلَّا أَنْ يَعْلَمُوا أَنَّ أَهْلَ مِصْرٍ مِنْ أَمْصَارِ الْمُسْلِمِينَ قَدْ صَامُوا يَوْمَ الْأَحَدِ فَيَقْضُوهُ.

تخریج: [إسناده صحيح] أخرجه أبو بكر الجصاص في أحكام القرآن ٢٧٦/١ من حديث

أبي داود به * الأشعث هو ابن عبدالله بن جابر.

Comments:

This narration of Al-Ḥasan Al-Baṣrī is not found in most of the manuscripts of *Sunan Abū Dāwud*.

Chapter 10. That It Is Disliked To Fast The Day of Doubt

2334. It was reported from Abū Ishāq, from Ṣilah, who said: "We were with 'Ammār on the day of doubt. A sheep was brought and some of the people avoided eating it. 'Ammār said: 'Anyone who fasts on this day disobeys Abul-Qāsim عليه السلام.'" (*Da'if*)

(المعجم ١٠) - بَابُ كَرَاهِيَةِ صَوْمِ يَوْمِ

الشَّكِّ (التحفة ١٠)

٢٣٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ: حَدَّثَنَا أَبُو خَالِدٍ الْأَحْمَرُ عَنْ عَمْرِو بْنِ قَيْسٍ، عَنْ أَبِي إِسْحَاقَ، عَنْ صِلَةَ قَالَ: كُنَّا عِنْدَ عَمَّارٍ فِي الْيَوْمِ الَّذِي يُشَكُّ فِيهِ، فَأُتِيَ بِشَاةٍ، فَتَنَحَّى بَعْضُ الْقَوْمِ، فَقَالَ عَمَّارٌ: مَنْ صَامَ هَذَا الْيَوْمَ فَقَدْ عَصَى أَبَا الْقَاسِمِ عليه السلام.

تخریج: [إسناده ضعيف] وأخرجه الترمذي، الصوم، باب ما جاء في كراهية صوم يوم الشك، ح: ٦٨٦ والنسائي، ح: ٢١٩٠ وابن ماجه، ح: ١٦٤٥ من حديث أبي خالد الأحمر به وقال الترمذي: "حسن صحيح" وعلقه البخاري، ح: ١٩٠٦ وصححه الحاكم على شرط الشيخين: ١/ ٤٢٤ ووافقه الذهبي * أبو إسحاق عن، وللحديث شواهد ضعيفة.

Comments:

"The day of doubt" means the day when the appearance or otherwise of the new crescent is uncertain.

Chapter 11. Regarding Whoever Connected Sha'bān With Ramaḍān^[1]

2335. It was reported from Abū Salamah, from Abū Hurairah, from the Prophet ﷺ that he said: "Do not precede fasting Ramaḍān by fasting a day or two, except for a fast that a man fasts (as a habit); (if it is so) then let him fast that fast." (*Ṣaḥih*)

(المعجم ١١) - بَابُ: فِيمَنْ يَصِلُ شَعْبَانَ

بِرَمَضَانَ (التحفة ١١)

٢٣٣٥ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا هِشَامٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تَقْدَمُوا صَوْمَ رَمَضَانَ يَوْمَ وَلَا يَوْمَيْنِ إِلَّا أَنْ يَكُونَ صَوْمٌ يَصُومُهُ رَجُلٌ فَلْيَصُمْ ذَلِكَ الصَّوْمَ».

تخریج: أخرجه البخاري، الصوم، باب: لا يتقدم رمضان بصوم يوم ولا يومين، ح: ١٩١٤ ومسلم، الصيام، باب: "لا تقدموا رمضان بصوم يوم ولا يومين"، ح: ١٠٨٢ من حديث هشام به.

2336. It was reported from Abū Salamah, from Umm Salamah,

٢٣٣٦ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ: حَدَّثَنَا شُعْبَةُ عَنْ تَوْبَةَ

[1] Meaning, whoever fasted during the last days of Sha'bān as well as the first of Ramaḍān.

from the Prophet ﷺ, that he never would fast a complete month out of the year except Sha'bān, connecting it to Ramaḍān. (*Ṣaḥīḥ*)

الْعَبْرِيُّ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ، عَنْ أُمِّ سَلَمَةَ عَنِ النَّبِيِّ ﷺ: أَنَّهُ لَمْ يَكُنْ يَصُومُ مِنَ السَّنَةِ شَهْرًا تَامًا إِلَّا شَعْبَانَ يَصِلُهُ بِرَمَضَانَ.

تخریج: [إسناده صحيح] أخرجه النسائي، الصيام، باب صوم النبي ﷺ بأبي هو وأمي وذكر اختلاف الناقلين للخبر في ذلك، ح: ٢٣٥٥ من حديث محمد بن جعفر به وهو في مسند أحمد: ٦/٣١١.

Comments:

The statements of Umm Salamah, and 'Āishah (see no. 2431) may be construed as referring to the Prophet's ﷺ practice of fasting on many more days of Sha'bān than in any other month of the year except Ramaḍān.

Chapter 12. About That Being Disliked

(المعجم ١٢) بَابُ: فِي كَرَاهِيَةِ ذَلِكَ
(التحفة ١٢)

2337. It was reported from 'Abdul-'Azīz bin Muḥammad who said: "‘Abbād bin Kathīr arrived in Al-Madīnah and went to a gathering of Al-'Alā'. He took Al-'Alā' by his hand and made him stand up. 'Abbād said: 'O Allāh! He is narrating from his father, from Abū Hurairah, that the Messenger of Allāh ﷺ said: "When the middle of Sha'bān comes, then do not fast."’ Al-'Alā' said: 'O Allāh! Indeed my father narrated that to me, from Abū Hurairah, from the Prophet ﷺ.'" (*Ṣaḥīḥ*)

Abū Dāwud said: Ath-Thawrī, Shibl bin Al-'Alā', Abū 'Umais, and Zuhair bin Muḥammad reported it from Al-'Alā'.

Abū Dāwud said: 'Abdur-Raḥmān^[1] would not narrate it. I

٢٣٣٧ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ قَالَ: قَدِمَ عَبَادُ بْنُ كَثِيرٍ الْمَدِينَةَ فَمَالَ إِلَى مَجْلِسِ الْعَلَاءِ فَأَخَذَ يَبْكِيهِ فَأَقَامَهُ ثُمَّ قَالَ: اللَّهُمَّ! إِنَّ هَذَا يُحَدِّثُ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا انْتَصَفَ شَعْبَانٌ فَلَا تَصُومُوا»، فَقَالَ الْعَلَاءُ: اللَّهُمَّ! إِنَّ أَبِي حَدَّثَنِي عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِذَلِكَ.

قَالَ أَبُو دَاوُدَ: رَوَاهُ الثَّوْرِيُّ وَشَيْبَةُ بْنُ الْعَلَاءِ وَأَبُو عُمَيْسٍ وَزُهَيْرُ بْنُ مُحَمَّدٍ عَنِ الْعَلَاءِ.

قَالَ أَبُو دَاوُدَ: وَكَانَ عَبْدُ الرَّحْمَنِ لَا يُحَدِّثُ بِهِ. قُلْتُ لِأَحْمَدَ: لِمَ؟ قَالَ: لِأَنَّهُ كَانَ عِنْدَهُ أَنَّ النَّبِيَّ ﷺ كَانَ يَصِلُ شَعْبَانَ

[1] Meaning 'Abdur-Raḥmān bin Maḥdī.

asked Ahmad: "Why is that?" He said: "Because of the narration which he had, that the Prophet ﷺ used to connect Shā'bān with Ramaḍān, and he reported from the Prophet ﷺ what contradicts it."

Abū Dāwud said: According to me, this does not contradict that, and no one except Al-'Alā' narrated this from his father.

تخريج: [إسناده صحيح] أخرجه الترمذي، الصوم، باب ما جاء في كراهية الصوم في النصف الثاني من شعبان لحال رمضان، ح: ٧٣٨ عن قتيبة به وقال: "حسن صحيح".

Comments:

Ruling about the undesirability of fasting in the second half of Shā'bān applies only to those persons who have not been observing fasts as a habit during those days. Those habituated to doing so are exempt from this ruling.

Chapter 13. Testimony Of Two Men About Sighting The Crescent Of Shawwāl

2338. It was reported from Abū Mālik Al-Ashja'ī, that Ḥusain bin Al-Ḥārith Al-Jadālī — from the tribe of Jadilah Qais — narrated: "A governor of Makkah delivered a speech, he said: 'The Messenger of Allāh ﷺ took an oath from us, that we perform our rites after sighting the crescent. If we do not sight it, and two just persons testify to (seeing) it, we should perform the rites on the basis of their testimony.' — (Abū Mālik said:) "I asked Al-Ḥusain bin Al-Ḥārith: 'Who is this governor of Makkah?' He said: 'I don't know.' Sometime later he met me and said: 'He is Al-Ḥārith bin Ḥātib, the brother of Muḥammad bin Ḥātib.'" — "The governor then said: 'Among you is

بِرَمَضَانَ، وَقَالَ عَنِ النَّبِيِّ ﷺ خِلَافُهُ؟ .
قَالَ أَبُو دَاوُدَ: وَلَيْسَ هَذَا عِنْدِي خِلَافُهُ
وَلَمْ يَجِئْ بِهِ غَيْرُ الْعَلَاءِ عَنْ أَبِيهِ .

(المعجم ١٣) - بَابُ شَهَادَةِ رَجُلَيْنِ عَلَى رُؤْيَةِ هَلَالِ شَوَّالٍ (التحفة ١٣)

٢٣٣٨ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الرَّحِيمِ
أَبُو يَحْيَى الْبَزَّازُ: أَخْبَرَنَا سَعِيدُ بْنُ سُلَيْمَانَ:
حَدَّثَنَا عَبَّادٌ عَنْ أَبِي مَالِكٍ الْأَشْجَعِيِّ: حَدَّثَنَا
حُسَيْنُ بْنُ الْحَارِثِ الْجَدَلِيُّ - مِنْ جَدِيلَةَ
قَيْسٍ - أَنَّ أَمِيرَ مَكَّةَ خَطَبَ ثُمَّ قَالَ: عَهْدَ
إِلَيْنَا رَسُولُ اللَّهِ ﷺ أَنْ نُنْشِكَ لِلرُّؤْيَةِ، فَإِنْ لَمْ
نَرَهُ وَشَهِدَ شَاهِدًا عَدْلٍ نَسَكْنَا بِشَهَادَتِهِمَا.
فَسَأَلْتُ الْحُسَيْنَ بْنَ الْحَارِثِ؟: مَنْ أَمِيرُ
مَكَّةَ؟ فَقَالَ: لَا أَدْرِي، ثُمَّ لَقَيْتَنِي بَعْدُ فَقَالَ:
هُوَ الْحَارِثُ بْنُ حَاطِبٍ أَخُو مُحَمَّدِ بْنِ
حَاطِبٍ، ثُمَّ قَالَ الْأَمِيرُ: إِنَّ فِيكُمْ مَنْ هُوَ
أَعْلَمُ بِاللَّهِ وَرَسُولِهِ مِنِّي، وَشَهِدَ هَذَا مِنْ
رَسُولِ اللَّهِ ﷺ، وَأَوْمَأَ بِيَدِهِ إِلَى رَجُلٍ. قَالَ

a person who is more knowledgeable about Allāh and His Messenger than me. He testified to this, from the Messenger of Allāh ﷺ, and then pointed with his hand towards a man." Al-Husain said: "I said to an older man beside me: 'Who is this, that the governor has pointed to?' He said: 'This is 'Abdullāh bin 'Umar, and he spoke the truth. He ('Abdullāh bin 'Umar) was more knowledgeable about Allāh than him. He ('Abdullāh bin 'Umar) said: "Allāh's Messenger ﷺ ordered us with that." (*Hasan*)

تخريج: [إسناده حسن] أخرجه الدارقطني: ١٦٧/٢، ح: ٢١٧٢ من حديث سعيد بن سليمان

به وقال: "هذا إسناده متصل صحيح".

2339. It was reported from Rib'ī bin Hirāsh, from a man among the Companions of the Prophet ﷺ, who said: "The people differed (about sighting the crescent of Shawwāl) on the last day of Ramaḍān. Then two Bedouins arrived and testified before the Prophet ﷺ, that they had seen the crescent the previous evening. The Messenger of Allāh ﷺ ordered the people to break their fast."

In his narration, *Khalaf* (one of the narrators) added: "And that they go to the *Muṣalla* the (following) morning." (*Ṣaḥīḥ*)

٢٣٣٩ - حَدَّثَنَا مُسَدَّدٌ وَحَلَفَ بْنُ هِشَامٍ الْمُقَرِّيُّ قَالَا: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ مَنْصُورٍ، عَنْ رَبِيعِ بْنِ جِرَاشٍ، عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ قَالَ: اخْتَلَفَ النَّاسُ فِي آخِرِ يَوْمٍ مِنْ رَمَضَانَ، فَقَدِمَ أَغْرَابِيَانِ فَشَهِدَا عِنْدَ النَّبِيِّ ﷺ بِاللَّهِ لَأَهْلًا الْهَلَالَ أَمْسٍ، عَشِيَّةً، فَأَمَرَ رَسُولُ اللَّهِ ﷺ النَّاسَ أَنْ يَفْطُرُوا. زَادَ حَلَفٌ فِي حَدِيثِهِ: وَأَنْ يَغْدُوا إِلَى مُصَلَّاهُمْ.

تخريج: [صحيح] أخرجه أحمد: ٣١٤/٥ من حديث منصور به، وقال الدارقطني: ١٦٩/٢،

ح: ٢١٨٢ "هذا إسناده حسن ثابت".

Comments:

The beginning of Ramaḍān is proved either, through the completion of thirty days of *Sha'bān*, or through sighting the crescent, even though it be by a single trustworthy Muslim.

Chapter 14. Regarding The Testimony Of A Single Person About Seeing The Crescent Of Ramaḍān.

2340. It was reported (from Al-Walīd bin Abī Thawr and Zā'idah) from Simāk, from 'Ikrimah, from Ibn 'Abbās, who said: "A Bedouin came to the Prophet ﷺ and said: 'I have sighted the crescent.'" — In his narration, Al-Ḥasan (one of the narrators) added: "Meaning: 'of Ramaḍān.'" —

"The Prophet ﷺ said: 'Do you testify that none has the right to be worshipped but Allāh?' He said: 'Yes.' The Prophet ﷺ said: 'Do you testify that Muḥammad is the Messenger of Allāh?' He said: 'Yes.'

The Prophet ﷺ said: 'O Bilāl! Call out to the people that they must fast tomorrow.'" (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء في الصوم بالشهادة، ح: ٦٩١ من حديث الوليد بن أبي ثور، والنسائي، ح: ٢١١٥ من حديث الحسين الجعفي، وابن ماجه، ح: ١٦٥٢ من حديث زائدة به * سلسلة سماك عن عكرمة: سلسلة ضعيفة كما تقدم مراراً انظر، ح: ٢٢٣٨.

2341. It was reported from Ḥammād, from Simāk bin Ḥarb, from 'Ikrimah, that he said: "Once the people were in doubt about the sighting of the crescent of Ramaḍān. They decided not to offer the (voluntary) night prayers (*Tarawīḥ*), nor fast. Then a Bedouin came from Al-Ḥarrah and testified that he had seen the crescent. He was brought to the Prophet ﷺ. The Prophet ﷺ asked

(المعجم ١٤) بَابُ: فِي شَهَادَةِ الْوَاحِدِ عَلَى رُؤْيِيهِ هِلَالِ رَمَضَانَ (التحفة ١٤)

٢٣٤٠ - حَدَّثَنَا مُحَمَّدُ بْنُ بَكَّارٍ بْنُ الرِّيَّانَ: حَدَّثَنَا الْوَلِيدُ يَعْنِي ابْنَ أَبِي ثَوْرٍ، ح: وَحَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا الْحُسَيْنُ يَعْنِي الْجُعْفِيُّ عَنْ زَائِدَةَ الْمَعْنَى، عَنْ سِمَاكِ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جَاءَ أَغْرَابِيُّ إِلَى النَّبِيِّ ﷺ فَقَالَ: إِنِّي رَأَيْتُ الْهِلَالَ قَالَ الْحَسَنُ فِي حَدِيثِهِ: يَعْنِي رَمَضَانَ، فَقَالَ: «أَتَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ؟» قَالَ: نَعَمْ. قَالَ: «أَتَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ؟» قَالَ: نَعَمْ. قَالَ: «يَا بِلَالُ! أَدْنُ فِي النَّاسِ فَلْيُصُومُوا غَدًا».

٢٣٤١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ عِكْرِمَةَ: أَنَّهُمْ شَكُّوا فِي هِلَالِ رَمَضَانَ مَرَّةً، فَأَرَادُوا أَنْ لَا يَقُومُوا وَلَا يَصُومُوا، فَجَاءَ أَغْرَابِيُّ مِنَ الْحَرَّةِ فَشَهِدَ أَنَّهُ رَأَى الْهِلَالَ فَأَتَى بِهِ النَّبِيُّ ﷺ، فَقَالَ: «أَتَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّي رَسُولُ اللَّهِ؟» قَالَ: نَعَمْ وَشَهِدَ أَنَّهُ رَأَى الْهِلَالَ، فَأَمَرَ بِلَالًا فَتَادَى فِي النَّاسِ أَنْ

him: 'Do you testify that none has the right to be worshipped but Allāh, and I am the Messenger of Allāh?' He said: 'Yes,' and he testified that he sighted the crescent. He (the Prophet ﷺ) ordered Bilāl to announce among the people to pray and to fast." (Da'if)

Abū Dāwud said: A group of narrators reported it from Simāk, from 'Ikrimah, in *Mursal* form; and no one mentioned night prayer (*Tarawīḥ*) except Ḥammad bin Salamah.

يَقُومُوا وَأَنْ يَصُومُوا.

قَالَ أَبُو دَاوُدَ: رَوَاهُ جَمَاعَةٌ عَنْ سِمَاكِ،
عَنْ عِكْرِمَةَ مُرْسَلًا، وَلَمْ يَذْكُرِ الْقِيَامَ أَحَدٌ إِلَّا
حَمَّادُ بْنُ سَلَمَةَ.

تخريج: [إسناده ضعيف] أخرجه النسائي، الصيام، باب قبول شهادة الرجل الواحد على هلال شهر رمضان ... إلخ، ح: ٢١١٦ من حديث سماك به وقال: "مرسل" وانظر الحديث السابق: ٢٣٤٠.

2342. It was reported from Ibn 'Umar, who said: "The people gathered to sight the crescent. I informed the Messenger of Allāh ﷺ that I had seen it. He fasted and ordered the people to fast." (Sahih)

٢٣٤٢ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ وَعَبْدُ
اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ السَّمُرْقَنْدِيُّ وَإِنَّا لِحَدِيثِهِ
أَثَقْنَا قَالَا: حَدَّثَنَا مَرْوَانُ هُوَ ابْنُ مُحَمَّدٍ عَنْ
عَبْدِ اللَّهِ بْنِ وَهْبٍ، عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ
سَالِمٍ، عَنْ أَبِي بَكْرٍ بْنِ نَافِعٍ، عَنْ أَبِيهِ، عَنْ
ابْنِ عُمَرَ قَالَ: تَرَأَى النَّاسُ الْهَلَالَ فَأَخْبَرْتُ
رَسُولَ اللَّهِ ﷺ أَنِّي رَأَيْتُهُ، فَصَامَ وَأَمَرَ النَّاسَ
بِصِيَامِهِ.

تخريج: [إسناده صحيح] أخرجه الدارقطني: ١٥٦/٢ من حديث أبي داود به وهو في سنن الإمام الدارمي: عبدالله بن عبدالرحمن السمرقندي، ح: ١٦٩٨ وصححه ابن حبان، ح: ٨٧١ والحاكم: ٤٢٣/١.

Chapter 15. Stressing The Sahūr (The Pre-Dawn Meal)

2343: It was reported from 'Amr bin Al-ʿĀṣ, who said: "The

(المعجم ١٥) بَابُ: فِي تَوْكِيدِ السُّحُورِ
(التحفة ١٥)

٢٣٤٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

Messenger of Allāh ﷺ said: 'The difference between our fasting and fasting of the people of Book is eating the pre-dawn meal (*As-Sahūr*).’ (*Ṣaḥīḥ*)

المُبَارَكُ عَنْ مُوسَى بْنِ عَلِيٍّ بْنِ رَبَاحٍ، عَنْ أَبِيهِ، عَنْ أَبِي قَيْسٍ مَوْلَى عَمْرِو بْنِ الْعَاصِ، عَنْ عَمْرِو بْنِ الْعَاصِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ فَضْلَ مَا بَيْنَ صِيَامِنَا وَصِيَامِ أَهْلِ الْكِتَابِ أَكَلَةُ السَّحْرِ».

تخريج: أخرجه مسلم، الصيام، باب فضل السحور وتأکید استحبابه ... إلخ، ح: ١٠٩٦ من حديث موسى بن عليّ به.

Chapter 16. Whoever Called *Sahūr*; “*Al-Ghadā*” (Breakfast)

(المعجم ١٦) - بَابُ مَنْ سَمَّى السَّحُورَ
الْغَدَاءَ (التحفة ١٦)

2344. Al-‘Irbād bin Sāriyah said: “The Messenger of Allāh ﷺ invited me to the *Sahūr* during Ramaḍān, and said: “Come to the blessed breakfast.” (*Ḥasan*)

٢٣٤٤ - حَدَّثَنَا عَمْرُو بْنُ مُحَمَّدٍ النَّافِدُ: حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ الْحَيَّاطُ: حَدَّثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ يُونُسَ بْنِ سَيْفٍ، عَنْ الْحَارِثِ بْنِ زِيَادٍ، عَنْ أَبِي رُفَيْمٍ، عَنْ الْعُرْبَاضِ بْنِ سَارِيَةَ قَالَ: دَعَانِي رَسُولُ اللَّهِ ﷺ إِلَى السَّحُورِ فِي رَمَضَانَ فَقَالَ: «هَلُمَّ إِلَى الْغَدَاءِ الْمُبَارَكِ».

تخريج: [حسن] أخرجه النسائي، الصيام، باب دعوة السحور، ح: ٢١٦٥ من حديث معاوية ابن صالح به * الحارث بن زياد: حسن الحديث على الراجح وللحديث شواهد عند ابن حبان، ح: ٨٨١ وغيره.

Comments:

It goes without saying that the Prophet ﷺ does not speak of his own desire, but only speaks what has been revealed to him. It is, therefore, necessary that even if a person feels no desire for food so early in the morning, he should at least have a date or a morsel or two, or even a few draughts of water, in order to be a recipient of the blessing promised by the Prophet ﷺ.

2345. Abū Hurairah reported that the Prophet ﷺ said: “Dates are a preferred *Sahūr* for the believer.” (*Ṣaḥīḥ*)

٢٣٤٥ - حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا عَمْرُو بْنُ الْحَسَنِ بْنِ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ الْوَزِيرِ أَبُو الْمُطَرِّفِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُوسَى عَنْ سَعِيدِ الْمَقْبُرِيِّ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «نِعَمَ سَحُورُ الْمُؤْمِنِ التَّمَرُ».

تخريج: [إسناده صحيح] أخرجه البيهقي: ٢٣٦/٤، ٢٣٧ من حديث محمد بن موسى به

وصححه ابن حبان، ح: ٨٨٣.

Comments:

The date-palm is through and through a blessed tree, and it is desirable to make it a part of our menu for *Suhūr* and *Ifṭār*.

Chapter 17. The Time Of *Suhūr*

(المعجم ١٧) - بَابُ وَقْتِ السُّحُورِ
(التحفة ١٧)

2346. It was reported from ‘Abdullāh bin Sawādah Al-Qushairī, from his father who said: “I heard Samurah bin Jundab delivering a sermon in which he said: ‘The Messenger of Allāh ﷺ said: “The *Adhān* of Bilāl should not prevent you from your *Sahūr*, neither should the whiteness of horizon which is like this (vertical), until it spreads out horizontally.”’ (*Saḥīh*)

٢٣٤٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَبْدِ اللَّهِ بْنِ سَوَادَةَ الْقُشَيْرِيِّ، عَنْ أَبِيهِ قَالَ: سَمِعْتُ سَمُرَةَ بْنَ جُنْدَبٍ يَخْطُبُ وَهُوَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَمْنَعَنَّ مِنْ سَحُورِكُمْ أَذَانُ بِلَالٍ وَلَا بَيَاضُ الْأُفُقِ الَّذِي هَكَذَا حَتَّى يَسْتَطِيرَ».

تخریج: أخرجه مسلم، الصيام، باب بيان أن الدخول في الصوم يحصل بطلوع الفجر ... الخ، ح: ١٠٩٤ من حديث عبدالله بن سواده به.

Comments:

The dawn is of two types: The false dawn, and the true dawn. *Suhūr* may be eaten as long as the false dawn lasts, but its time ends as soon as the true dawn appears. Bilāl used to call the *Adhān* during the false dawn, in order to alert the people. The false dawn is when the whiteness of light begins to ascend towards the sky, but then a more enduring whiteness appears and spreads horizontally all around. This signals the true dawn of the morning.

2347. ‘Abdullāh bin Mas‘ūd said: “The Messenger of Allāh ﷺ said: ‘The *Adhān* of Bilāl should not prevent one of you from his *Sahūr*, for he says the *Adhān*’” — or he said: ‘call’ — “so that those praying can return, and to wake the sleeping among you. Dawn is not like this” — Musad-dad (one of the narrators) said: “And Yahyā

٢٣٤٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ التَّيْمِيِّ؛ ح: وَحَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا سُلَيْمَانُ التَّيْمِيُّ عَنْ أَبِي عُثْمَانَ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَمْنَعَنَّ أَحَدَكُمْ أَذَانُ بِلَالٍ مِنْ سَحُورِهِ فَإِنَّهُ يُؤَدِّنُ - أَوْ قَالَ: - يُنَادِي لِيَرْجِعَ قَائِمُكُمْ وَيَنْتَبِهَ نَائِمُكُمْ، وَلَيْسَ الْفَجْرُ أَنْ يَقُولَ

joined his (fingers to his) palm”—^[1] ‘Until it is like this’ — And Yahya extended his two index fingers.”^[2] (*Sahih*)

هَكَذَا». قَالَ مُسَدَّدٌ: وَجَمَعَ يَحْيَى كَفَّهُ «حَتَّى يَقُولَ هَكَذَا»، وَمَدَّ يَحْيَى بِإَصْبَعَيْهِ السَّبَّابَتَيْنِ.

تخريج: أخرجه البخاري، الأذان، باب الأذان قبل الفجر، ح: ٦٢١ عن أحمد بن يونس ومسلم، الصيام، باب بيان أن الدخول في الصوم يحصل بطلوع الفجر ... إلخ، ح: ١٠٩٣ من حديث سليمان التيمي به.

2348. It was reported from Qais bin Talaq, from his father who said: “The Messenger of Allāh ﷺ said: ‘Eat and drink, and the ascending white light should not prevent you from it, so continue to eat and drink till the redness appears horizontally.’” (*Hasan*)

Abū Dāwud said: This is among that which the people of Yamamah are alone with (in narrating).

٢٣٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْسَى: حَدَّثَنَا مُلَازِمُ بْنُ عَمْرِو عَنْ عَبْدِ اللَّهِ بْنِ التُّعْمَانِ: حَدَّثَنِي قَيْسُ بْنُ طَلْقٍ عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «كُلُوا وَاشْرَبُوا وَلَا يَمْنَعُكُمُ السَّاطِعُ الْمُصْعِدُ، فَكُلُوا وَاشْرَبُوا حَتَّى يَغْتَرِضَ لَكُمْ الْأَحْمَرُ».

قَالَ أَبُو دَاوُدَ: هَذَا مِمَّا تَقَرَّدَ بِهِ أَهْلُ الْيَمَامَةِ.

تخريج: [إسناده حسن] أخرجه الترمذي، الصوم، باب ما جاء في بيان الفجر، ح: ٧٠٥ من حديث ملازم بن عمرو به وقال: "حسن غريب".

Comments:

That the time to stop eating is when whiteness begins to spread all around. Nevertheless, if the sky is overcast, some kind of redness also becomes evident in the sky. However, as a general rule, it is whiteness alone that appears in the sky.

2349. ‘Adī bin Ḥātim said: “When this Verse was revealed: “Until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night)”^[3] — I took a white rope and a black rope, and kept them under my pillow. I observed them

٢٣٤٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا حُصَيْنُ بْنُ نُمَيْرٍ، ح: وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ إِدْرِيسَ الْمَعْنَى عَنْ حُصَيْنٍ، عَنْ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: لَمَّا نَزَلَتْ هَذِهِ الْآيَةُ «حَتَّى يَبْيُنَ لَكَ الْخَيْطُ الْأَبْيَضُ مِنَ

^[1] Motioning with his hand toward the earth, meaning vertically.

^[2] Holding them extended with the tips together, indicating; horizontally, according to a version recorded by *Muslim*.

^[3] *Al-Baqarah* 2:187.

but could not distinguish between then. Then I mentioned that to the Messenger of Allāh ﷺ. He laughed and said: 'Your pillow must be very long and broad. It is only the night and the day.'

And (in his version) 'Uthmān (one of the narrators) said: "It is only the blackness of night and the whiteness of day." (*Ṣaḥīḥ*)

الْخِطُّ الْأَسْوَدُ [البقرة: ١٨٧] قَالَ أَخَذْتُ عِقَالًا أَبْيَضَ وَعِقَالًا أَسْوَدَ، فَوَضَعْتُهُمَا تَحْتَ وَسَادَتِي، فَظَنَرْتُ فَلَمْ أَتَبَيَّنْ، فَذَكَرْتُ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَضَحِكَ فَقَالَ: «إِنَّ وَسَادَكَ إِذَا لَطَوِيلٌ عَرِيضٌ إِنَّمَا هُوَ اللَّيْلُ وَالنَّهَارُ». وَقَالَ عُثْمَانُ: «إِنَّمَا هُوَ سَوَادُ اللَّيْلِ وَبَيَاضُ النَّهَارِ».

تخريج: أخرجه مسلم، الصيام، باب بيان أن الدخول في الصوم يحصل بطلوع الفجر ... إلخ، ح: ١٠٩٠ من حديث عبدالله بن إدريس، البخاري، الصوم، باب قول الله تعالى: ﴿وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ...﴾ إلخ، ح: ١٩١٦ من حديث حصين بن عبدالرحمن به.

Comments:

What we conclude from this *Hadīth* is that even an 'Arab would misunderstand the meanings of the Qur'an, without the guidance of the Messenger of Allāh ﷺ explaining its meanings.

Chapter 18. A Man Who Hears The Call While A Vessel Is In His Hand

2350. Abū Hurairah said: "The Messenger of Allāh ﷺ said: 'If one of you hears the call for prayer and the vessel is in his hand, he should not put it down till he fulfills his need from it.'" (*Ḥasan*)

(المعجم ١٨) بَابُ: الرَّجُلُ يَسْمَعُ النَّدَاءَ وَالْإِنَاءَ عَلَى يَدِهِ (التحفة ١٨)

٢٣٥٠ - حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ حَمَادٍ: حَدَّثَنَا حَمَادٌ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا سَمِعَ أَحَدُكُمْ النَّدَاءَ وَالْإِنَاءَ عَلَى يَدِهِ فَلَا يَضَعُهُ حَتَّى يَقْضِيَ حَاجَتَهُ مِنْهُ».

تخريج: [إسناده حسن] أخرجه أحمد: ٥١٠/٢ من حديث حماد بن سلمة به وصححه الحاكم على شرط مسلم: ٢٠٣/١ ووافقه الذهبي.

Comments:

If the end-time for *Suḥūr* has approached and the call to the morning prayer has begun, it is still allowed for the fasting person to finish what he has in his hand.

Chapter 19. The Time For The Fasting Person To Break (His Fast)

2351. It was reported from ‘Āsim bin ‘Umar, from his father who said: “The Prophet ﷺ said: ‘When the night approaches from here (the east), and the day retreats from here (the west)’” — Musad-dad (one of the narrators) added: “and the sun sets” — it is time for the fasting person to break the fast.” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الصوم، باب: متى يحل فطر الصائم؟، ح: ١٩٥٤، ومسلم، الصيام، باب بيان وقت انقضاء الصوم وخروج النهار، ح: ١١٠٠ من حديث هشام به وهو في مسند أحمد: ٢٨/١، ٥٤.

2352. It was reported from ‘Abdullāh bin Abī Awfā, that he said: “We accompanied the Messenger of Allāh ﷺ on a journey while he was fasting. When the sun set he said: “O Bilal! Dismount and mix some *Sawīq* for us.” He said: “O Messenger of Allāh! If you waited till the evening!” He said: “Dismount and mix some *Sawīq* for us.” He said: “O Messenger of Allāh! The day still remains with you.” He said: “Dismount and mix some *Sawīq* for us.” He got down and prepared it. The Messenger of Allāh ﷺ drank from it and then said: “If you see the night approaching from here, it is time for a fasting person to break the fast,” and he pointed towards east with his finger. (*Ṣaḥīḥ*)

(المعجم ١٩) - بَابُ وَقْتِ فِطْرِ الصَّائِمِ
(التحفة ١٩)

٢٣٥١ - حَدَّثَنَا أَحْمَدُ بْنُ حَبَلٍ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا هِشَامٌ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دَاوُدَ عَنْ هِشَامِ الْمَعْنَى قَالَ هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ، عَنْ عَاصِمِ بْنِ عُمَرَ، عَنْ أَبِيهِ قَالَ: قَالَ النَّبِيُّ ﷺ: «إِذَا جَاءَ اللَّيْلُ مِنْ هُنَا، وَذَهَبَ النَّهَارُ مِنْ هُنَا». زَادَ مُسَدَّدٌ: «وَعَابَتِ الشَّمْسُ، فَقَدْ أَفْطَرَ الصَّائِمُ».

٢٣٥٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَاحِدِ: حَدَّثَنَا سُلَيْمَانُ الشَّيْبَانِيُّ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ أَبِي أَوْفَى يَقُولُ: سِرْنَا مَعَ رَسُولِ اللَّهِ ﷺ وَهُوَ صَائِمٌ، فَلَمَّا غَرَبَتِ الشَّمْسُ قَالَ: «يَا بِلَالُ! انْزِلْ فَاجِدْخْ لَنَا». قَالَ: يَا رَسُولَ اللَّهِ! لَوْ أُمْسَيْتَ. قَالَ: «انْزِلْ فَاجِدْخْ لَنَا». قَالَ: يَا رَسُولَ اللَّهِ! إِنَّ عَلَيَّكَ نَهَارًا. قَالَ: «انْزِلْ فَاجِدْخْ لَنَا». فَتَرَلَّ فَجَدَخَ، فَشَرِبَ رَسُولُ اللَّهِ ﷺ ثُمَّ قَالَ: «إِذَا رَأَيْتُمُ اللَّيْلَ قَدْ أَقْبَلَ مِنْ هُنَا فَقَدْ أَفْطَرَ الصَّائِمُ»، وَأَشَارَ بِإِصْبَعِهِ قِبَلَ الْمَشْرِقِ.

تخريج: أخرجه البخاري، الصوم، باب: متى يحل فطر الصائم؟، ح: ١٩٥٥، ومسلم، الصيام، باب بيان وقت انقضاء الصوم وخروج النهار، ح: ١١٠١ من حديث أبي إسحاق سليمان الشيباني به.

Comments:

The time for *Iftar* begins immediately upon the setting of the sun. Waiting after sunset or delaying *Iftar* as a precautionary measure has no meaning. The *Hadith* also gives us the golden rule that, in order to remove any possible doubts in the minds of the people, it is sometimes a good idea to let people have further clarification even regarding "obvious" matters.

Chapter 20. The Recommendation Of Hastening To Break The Fast

2353. It was reported from Abū Hurairah, from the Prophet ﷺ that he said: "The religion (of Islam) will continue to be manifest as long as people hasten to break their fast (at its earlier time) because the Jews and Christians delay it."
(*Hasan*)

تخريج: [إسناده حسن] أخرجه ابن ماجه، الصيام، باب ما جاء في تعجيل الإفطار، ح: ١٦٩٨ من حديث محمد بن عمرو الليثي به وصححه ابن خزيمة، ح: ٢٠٦٠ وابن حبان، ح: ٨٨٩، والحاكم على شرط مسلم: ٤٣١/١ ووافقه الذهبي.

2354. It was reported from Abū Aṭiyyah, who said: "Masrūq and I entered upon 'Āishah, and said: 'O Mother of the Believers! There are two men from the Companions of Muḥammad ﷺ. One of them hastens to break his fast and hastens the prayer, and the other delays breaking his fast and delays the prayer.' She asked: 'Which one of the two hastens to break the fast and hastens to pray?' We said: "'Abdullāh (Ibn Mas'ūd).' She said: 'The Messenger of Allāh ﷺ used to do so.'" (*Ṣaḥīḥ*)

(المعجم ٢٠) - بَابُ مَا يُسْتَحَبُّ مِنْ تَعْجِيلِ الْفِطْرِ (التحفة ٢٠)

٢٣٥٣ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ عَنْ خَالِدٍ، عَنْ مُحَمَّدٍ يَعْنِي ابْنَ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا يَزَالُ الدِّينُ ظَاهِرًا مَا عَجَّلَ النَّاسُ الْفِطْرَ لِأَنَّ الْيَهُودَ وَالنَّصَارَى يُؤَخِّرُونَ».

٢٣٥٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ أَبِي عَطِيَّةٍ قَالَ: دَخَلْتُ عَلَى عَائِشَةَ أَنَا وَمَسْرُوقٌ فَقُلْنَا: يَا أُمُّ الْمُؤْمِنِينَ! رَجُلَانِ مِنْ أَصْحَابِ مُحَمَّدٍ ﷺ، أَحَدُهُمَا يُعَجِّلُ الْإِفْطَارَ وَيُعَجِّلُ الصَّلَاةَ، وَالْآخَرُ يُؤَخِّرُ الْإِفْطَارَ وَيُؤَخِّرُ الصَّلَاةَ؟ قَالَتْ: أَيُّهُمَا يُعَجِّلُ الْإِفْطَارَ وَيُعَجِّلُ الصَّلَاةَ؟ قُلْنَا: عَبْدُ اللَّهِ، قَالَتْ: كَذَلِكَ كَانَ يَصْنَعُ رَسُولُ اللَّهِ ﷺ.

تخريج: أخرجه مسلم، الصيام، باب فضل السحور وتأکید استحبابه ... إلخ، ح: ١٠٩٩ من حديث أبي معاوية الضرير به.

Chapter 21. What To Use To Break One's Fast

(المعجم ٢١) - بَابُ مَا يُفْطَرُ عَلَيْهِ

(التحفة ٢١)

2355. It was reported from Ar-Rabbāb, from Salmān bin 'Āmir — her paternal uncle — he said: "The Messenger of Allāh ﷺ said: 'When one of you fasts, then let him break his fast with dates (*Tamr*), and if he does not find dates, then with water for indeed water is purifying." (*Ṣaḥīḥ*)

٢٣٥٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَّاحِدِ بْنُ زِيَادٍ عَنْ عَاصِمِ الْأَحْوَلِ، عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنِ الرَّبَّابِ، عَنْ سَلْمَانَ بْنِ عَامِرٍ عَمَّهَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا كَانَ أَحَدُكُمْ صَائِمًا فَلْيُفْطِرْ عَلَى التَّمْرِ، فَإِنْ لَمْ يَجِدِ التَّمَرَ فَعَلَى الْمَاءِ فَإِنَّ الْمَاءَ طَهُورٌ».

تخريج: [إسناده صحيح] أخرجه الترمذي، الصوم، باب ما جاء ما يستحب عليه الإفطار، ح: ٦٩٥ وابن ماجه، ح: ١٦٩٩ من حديث عاصم الأحول به وقال الترمذي: "حسن صحيح" وصححه ابن خزيمة، ح: ٢٠٦٧ وابن حبان، ح: ٨٩٢ والحاكم على شرط البخاري: ٤٣١/١ ووافقه الذهبي * الباب: ثقة وثقها البخاري وأبو حاتم الرازي وابن خزيمة بتصحيح حديثها وأخطأ من زعم خلافه.

Comments:

Fast, as a rule, can be broken with any type of food or drink that is permissible, while dates or water are the most blessed for that purpose.

2356. It was reported from Thābit Al-Bunānī, that he heard Anas bin Mālik saying: "The Messenger of Allāh ﷺ would break his fast with fresh dates (*Ruṭab*) before praying, if there were no fresh dates, then with dried dates (*Tamr*), if he did not have dried dates, then he would take some mouthfuls of water." (*Ḥasan*)

٢٣٥٦ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ: أَخْبَرَنَا ثَابِتُ الْبُنَانِيُّ أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ يَقُولُ: كَانَ رَسُولُ اللَّهِ ﷺ يُفْطِرُ عَلَى رُطَبَاتٍ قَبْلَ أَنْ يُصَلِّيَ، فَإِنْ لَمْ تَكُنْ رُطَبَاتٌ فَعَلَى تَمَرَاتٍ، فَإِنْ لَمْ تَكُنْ حَسَا حَسَوَاتٍ مِنْ مَاءٍ.

تخريج: [إسناده حسن] أخرجه الترمذي، الصوم، باب ما جاء ما يستحب عليه الإفطار، ح: ٦٩٦ من حديث عبد الرزاق به وقال: "حسن غريب" وهو في مسند أحمد: ١٦٤/٣ وصححه الدارقطني: ١٨٥/٢ والحاكم على شرط مسلم: ٤٣٢/١ ووافقه الذهبي.

Chapter 22. The Saying At The Time Of Breaking The Fast

2357. Marwān — meaning Ibn Sālim Al-Muqaffa' — said: "I saw Ibn 'Umar take hold of his beard and trim whatever exceeded the palm. He said: The Prophet ﷺ used to say, when breaking his fast: "*Dhahabaz-zamā'u wabtallatil-urūqu wa thabatal-ajru in shā' Allāh* (The thirst is gone, and the veins are quenched, and the reward is assured — if Allāh wills)." (*Hasan*)

(المعجم ٢٢) - بَابُ الْقَوْلِ عِنْدَ الْإِفْطَارِ
(التحفة ٢٢)

٢٣٥٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ يَحْيَى أَبُو مُحَمَّدٍ: حَدَّثَنَا عَلِيُّ بْنُ الْحَسَنِ: أَخْبَرَنَا الْحُسَيْنُ بْنُ وَاقِدٍ: حَدَّثَنَا مَرْوَانُ - يَعْنِي ابْنَ سَالِمٍ الْمُقَفَّعَ - قَالَ: رَأَيْتُ ابْنَ عُمَرَ يَقْبِضُ عَلَى لِحْيَتِهِ فَيَقْطَعُ مَا زَادَتْ عَلَى الْكَفِّ، وَقَالَ: كَانَ النَّبِيُّ ﷺ إِذَا أَفْطَرَ قَالَ: «ذَهَبَ الظَّمَأُ وَابْتَلَّتِ الْعُرُوقُ وَثَبَتَ الْأَجْرُ إِنْ شَاءَ اللَّهُ».

تخريج: [إسناده حسن] أخرجه النسائي في عمل اليوم والليلة، ح: ٢٩٩ والكبرى، ح: ١٠١٣١ من حديث علي بن الحسن بن شقيق به وحسنه الدارقطني: ١٨٢/٢ وصححه الحاكم: ٤٢٢/١ ووافقه الذهبي.

Comments:

The practice of trimming the part of the beard beyond the fistful is reported, with authentic chains of narration, from other Companions aside from Ibn 'Umar, and he also is one of those that reported the order to grow the beard from the Messenger of Allāh ﷺ. See no. 4199.

2358. It was reported from Ḥusain, from Mu'adh bin Zahrah that he conveyed to him that the Prophet ﷺ used to say when breaking fast: "*Allāhumma! Laka shumtu wa 'alā rizqika aftaru* (O Allāh! For You I have fasted, and upon your provision I have broken my fast)." (*Da'if*)

٢٣٥٨ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا هُشَيْمٌ عَنْ حُصَيْنٍ، عَنْ مُعَاذِ بْنِ زُهْرَةَ: أَنَّهُ بَلَغَهُ أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا أَفْطَرَ قَالَ: «اللَّهُمَّ! لَكَ صُمْتُ وَعَلَى رِزْقِكَ أَفْطَرْتُ».

تخريج: [إسناده ضعيف] أخرجه البغوي في شرح السنة: ٢٦٥/٦، ح: ١٧٤١ من حديث حصين به، وهو في مراسيل أبي داود، ح: ٩٩، رواه البيهقي: ٢٣٥/٤ من حديث أبي داود به * والسند مرسل.

Chapter 23. Breaking The Fast Before Sunset

(المعجم ٢٣) - بَابُ الْفِطْرِ قَبْلَ غُرُوبِ الشَّمْسِ (التحفة ٢٣)

2359. It was reported from Abū Usāmah, from Hishām bin ‘Urwah, from Fāṭimah bint Al-Mundhir, from Asmā’ bint Abī Bakr who said: “We broke fast one day during the month of Ramaḍān, while it was cloudy, during the lifetime of the Messenger of Allāh ﷺ, then the sun came out.”

Abū Usāmah said: “I asked Hishām: “Were they ordered to make it up?” He said: “Is anything else possible?” (*Ṣaḥīh*)

٢٣٥٩ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ وَمُحَمَّدُ بْنُ الْعَلَاءِ، الْمَعْنَى، قَالَ: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنَا هِشَامُ بْنُ عُزْوَةَ، عَنْ فَاطِمَةَ بِنْتِ الْمُثَنَّرِ، عَنْ أُسْمَاءَ بِنْتِ أَبِي بَكْرٍ قَالَتْ: أَفْطَرْنَا يَوْمًا فِي رَمَضَانَ فِي غَيْمٍ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ ثُمَّ طَلَعَتِ الشَّمْسُ. قَالَ أَبُو أُسَامَةَ: قُلْتُ لَهُشَامُ: أُمِرُوا بِالْقَضَاءِ؟ قَالَ: وَبَدُّ مِنْ ذَلِكَ؟.

تخريج: أخرجه البخاري، الصوم، باب: إذا أفطر في رمضان ثم طلعت الشمس، ح: ١٩٥٩ من حديث أبي أسامة به.

Comments:

There is difference of opinion among the scholars on the necessity of making up in such case. The dominant opinion, however, is that making it up is required.

Chapter 24. Al-Wiṣāl (Continuous Fasting)^[1]

(المعجم ٢٤) بَابُ: فِي الْوِصَالِ (التحفة ٢٤)

2360. Ibn ‘Umar said: “The Messenger of Allāh ﷺ prohibited us from *Wiṣāl*. They said: ‘But you practice *Wiṣāl* O Messenger of Allāh?’ He said: ‘I am not like you, I am provided with food and drink.’” (*Ṣaḥīh*)

٢٣٦٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنِ الْوِصَالِ قَالُوا: فَإِنَّكَ تُوَاصِلُ يَا رَسُولَ اللَّهِ؟! قَالَ: «إِنِّي لَسْتُ كَهَيْئَتِكُمْ إِنِّي أُطْعَمُ وَأُسْقَى».

تخريج: أخرجه البخاري، الصوم، باب الوصال، ح: ١٩٦٢ ومسلم، الصيام، باب النهي عن الوصال، ح: ١١٠٢ من حديث مالك به وهو في الموطأ (يحيى): ٣٠٠/١.

[1] Meaning, not breaking one's fast at night, nor eating before dawn, and continuing days on end like that.

2361. Abū Sa‘eed Al-Khudhri reported that he heard the Messenger of Allāh ﷺ saying: “Do not fast *Wiṣāl*. If any one of you wants to fast continuously, he should only do so until prior to dawn.” They said: “But you practice *Wiṣāl*.” He said: “I am not like you, I have One who provides me with food, and provides me with drink.” (*Ṣaḥīḥ*)

٢٣٦١ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ أَنَّ بَكْرَ بْنَ مُضَرَ حَدَّثَهُمْ عَنْ ابْنِ الْهَادِ، عَنْ عَبْدِ اللَّهِ بْنِ حَبَّابٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تُوَاصِلُوا فَأَيُّكُمْ أَرَادَ أَنْ يُوَاصِلَ فَلْيُوَاصِلْ حَتَّى السَّحَرِ» قَالُوا: فَإِنَّكَ تُوَاصِلُ، قَالَ: «إِنِّي لَسْتُ كَهَيْئَتِكُمْ، إِنَّ لِي مَطْعَمًا يُطْعِمُنِي وَسَاقِيًا يَسْقِينِي».

تخريج: أخرجه البخاري، الصوم، باب الوصال، ح: ١٩٦٣ من حديث يزيد بن عبد الله بن الهاد به.

Chapter 25. A Fasting Person Backbiting

(المعجم ٢٥) - بَابُ الْغَيْبَةِ لِلصَّائِمِ (التحفة ٢٥)

2362. It was reported from Abū Hurairah, who said: “The Messenger of Allāh ﷺ said: ‘If one does not avoid speaking *Zūr*, and acting upon it, Allāh is in no need of him abstaining from his food and his drink.’”

٢٣٦٢ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا ابْنُ أَبِي ذُئْبٍ عَنِ الْمَقْبُرِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ لَمْ يَدَعْ قَوْلَ الزُّورِ وَالْعَمَلَ بِهِ، فَلَيْسَ لَهُ حَاجَةٌ أَنْ يَدَعَ طَعَامَهُ وَشَرَابَهُ» قَالَ أَحْمَدُ: فَهَمَّتْ إِسْنَادُهُ مِنْ ابْنِ أَبِي ذُئْبٍ وَأَفْهَمَنِي الْحَدِيثَ رَجُلٌ إِلَى جَنْبِهِ أَرَاهُ ابْنَ أَخِيهِ.

Aḥmad (Ibn Yunus, one of the narrators) said: “I learned the chain of narrators from Ibn Abī Dhi‘b, but a man beside him made me understand *Hadīth*. I think he was his nephew.”^[1] (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الصوم، باب من لم يدع قول الزور والعمل به في الصوم، ح: ١٩٠٣ من حديث محمد بن عبد الرحمن بن أبي ذئب به.

2363. Abū Hurairah reported that the Prophet ﷺ said: “When one of you fasts, you should not behave

٢٣٦٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقُعَيْبِيُّ عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ

^[1] It appears to mean that he did hear it from Ibn Abī Dhi‘b, but he was not sure of some of the details of the chain of narration, and the man did hear it and explained what was not clear for him.

immorally nor arrogantly. If some one fights him, or abuses him, he should say: 'I am fasting, I am fasting.'” (*Ṣaḥīḥ*)

الأَعْرَجُ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ قَالَ: «إِذَا كَانَ أَحَدُكُمْ صَائِمًا فَلَا يَزِفُ وَلَا يَجْهَلُ، فَإِنْ امْرُؤٌ قَاتَلَهُ أَوْ شَاتَمَهُ فَلْيُقِلْ: إِنِّي صَائِمٌ، إِنِّي صَائِمٌ».

تخريج: أخرجه البخاري، الصوم، باب فضل الصوم، ح: ١٨٩٤ عن القعني به مطولاً وهو في الموطأ (يحيى): ٣١٠/١ ورواه مسلم، ح: ١١٥١ من طريق آخر عن أبي الزناد به.

Comments:

A Muslim, as a rule, is commanded to abstain from things like vulgar and obscene talk and other activities of the Days of Ignorance. And when he is fasting, it is all the more important that he observe abstinence from all evil activities in all circumstances. Rather than engaging in disputes, he is advised to plainly declare to his opponent that he is fasting, so that all doors to any bad conduct are shut.

Chapter 26. The *Siwāk* For The Fasting Person

(المعجم ٢٦) - بَابُ السَّوَاكِ لِلصَّائِمِ
(التحفة ٢٦)

2364. It was reported from ‘Uбайдullāh bin ‘Āmir bin Rabī‘ah, from his father who said: “I saw the Messenger of Allāh ﷺ using a *Siwāk* while he was fasting.” Musad-dad (one of the narrators) added: “He did it so often, that I lost count of it.” (*Ḍa‘īf*)

٢٣٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ: حَدَّثَنَا شَرِيكٌ، ح: وَحَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ سُفْيَانَ، عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَامِرٍ بْنِ رَبِيعَةَ، عَنْ أَبِيهِ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ يَسْتَاكُ وَهُوَ صَائِمٌ. زَادَ مُسَدَّدٌ: مَا لَا أَعُدُّ وَلَا أُحْصِي.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء في السواك للصائم، ح: ٧٢٥ من حديث سفیان الثوري به وقال: "حسن" * عاصم بن عبيدالله: ضعيف.

Comments:

Provided that no external substance be swallowed, there is no harm in cleaning the mouth by any means while fasting.

Chapter 27. The Fasting Person Pouring Water Upon Himself Due To Thirst, And Exaggerating In Sniffing Water Into The Nose

(المعجم ٢٧) - بَابُ الصَّائِمِ يَصُبُّ عَلَيْهِ الْمَاءَ مِنَ الْعَطَشِ وَيَبَالِغُ فِي الاسْتِنْشَاقِ
(التحفة ٢٧)

2365. It was reported from Abū Bakr Ibn ‘Abdur-Raḥmān, from

٢٣٦٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ

someone from among the Companions of the Prophet ﷺ; "I saw the Prophet ﷺ ordering people, while traveling during the Year of the Conquest of Makkah, to break the fast. He said: 'Energize for your enemy.' And the Messenger of Allāh ﷺ (himself) fasted." Abū Bakr said: "The one who narrated to me said: 'I saw the Messenger of Allāh ﷺ at Al-'Araj pouring water over his head while he was fasting, due to thirst or the heat.'" (*Ṣaḥīh*)

الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ سُمَيِّ مَوْلَى أَبِي بَكْرٍ ابْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي بَكْرٍ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ ﷺ قَالَ: رَأَيْتُ النَّبِيَّ ﷺ أَمَرَ النَّاسَ فِي سَفَرِهِ عَامَ الْفَتْحِ بِالْفِطْرِ وَقَالَ: «تَقَوُّوا لِعَدُوِّكُمْ»، وَصَامَ رَسُولُ اللَّهِ ﷺ. قَالَ أَبُو بَكْرٍ: قَالَ الَّذِي حَدَّثَنِي: لَقَدْ رَأَيْتُ رَسُولَ اللَّهِ ﷺ بِالْعَرَجِ يَصُبُّ عَلَى رَأْسِهِ الْمَاءَ وَهُوَ صَائِمٌ مِنَ الْعَطَشِ أَوْ مِنَ الْحَرِّ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٤٧٥/٣ من حديث مالك به وهو في الموطأ (يحيى): ٢٩٤/١ ولبعض الحديث شاهد عند مسلم، ح: ١١١٤.

Comments:

In order to fight extreme heat or thirst, a fasting person is allowed to pour water on his head or body, or take a shower, or put a wet cloth on his body.

2366. ‘Āṣim bin Laqīṭ bin Ṣabrah reported from his father, Laqīṭ bin Ṣabrah, who said: "The Messenger of Allāh ﷺ said: 'Exaggerate in sniffing water,^[1] unless you are fasting.'" (*Ṣaḥīh*)

٢٣٦٦ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا يَحْيَى بْنُ سُلَيْمٍ عَنْ إِسْمَاعِيلَ بْنِ كَثِيرٍ، عَنْ عَاصِمِ بْنِ لَقِيطِ بْنِ صَبْرَةَ، عَنْ أَبِيهِ لَقِيطِ بْنِ صَبْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْبَالِغُ فِي الْاسْتِنْشَاقِ إِلَّا أَنْ تَكُونَ صَائِمًا».

تخريج: [إسناده صحيح] تقدم، ح: ١٤٢ وأخرجه الترمذي، الصوم، باب ما جاء في كراهية مبالغة الاستنشاق للصائم، ح: ٧٨٨ وابن ماجه، ح: ٤٠٧ من حديث يحيى بن سليم به ورواه النسائي، ح: ٨٧.

Chapter 28. The Fasting Person Being Cupped

(المعجم ٢٨) بَابُ: فِي الصَّائِمِ يَحْتَجِمُ (التحفة ٢٨)

2367. It was reported from Thawbān, from the Prophet ﷺ that he said: "The one who cups, and

٢٣٦٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ هِشَامٍ، ح: وَحَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا

[1] Meaning: into the nose, when performing *Wuḍū’*.

the one who is cupped, have broken their fast.”

In his narration, Shaibān (one of the narrators) said: “Abū Qilābah informed me that Abū Asmā’ Ar-Raḥabī informed him, that Thawbān, the freed slave of the Messenger of Allāh ﷺ, informed him that he heard it from the Prophet ﷺ. (*Ṣaḥīḥ*)

حَسَنُ بْنُ مُوسَى: حَدَّثَنَا شَيْبَانُ جَمِيعًا عَنْ يَحْيَى، عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي أَسْمَاءَ بَعْنِي الرَّحْبِيِّ، عَنْ ثَوْبَانَ عَنِ النَّبِيِّ ﷺ قَالَ: «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ».

قال شَيْبَانُ فِي حَدِيثِهِ: قَالَ: أَخْبَرَنِي أَبُو قِلَابَةَ أَنَّ أَبَا أَسْمَاءَ الرَّحْبِيِّ حَدَّثَهُ أَنَّ ثَوْبَانَ مَوْلَى رَسُولِ اللَّهِ ﷺ أَخْبَرَهُ أَنَّهُ سَمِعَ النَّبِيَّ ﷺ.

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الصيام، باب ما جاء في الحجامة للصائم، ح: ١٦٨٠ من حديث شيبان به وهو في مسند أحمد: ٦٥٧/١ وأطراف المسند: ٢٨٣/٥ وصححه ابن خزيمة، ح: ١٩٦٢، ١٩٦٣ وابن حبان، ح: ٨٩٩ والحاكم على شرط الشيخين: ٤٢٧/١ ووافقه الذهبي.

2368. (Another chain) from Shaibān, from Yahyā: “Abū Qilābah Al-Jarmī narrated to me, that he was informed, that Shaddād bin Aws was walking along with the Prophet ﷺ... so he mentioned similarly (to no. 2367). (*Ṣaḥīḥ*)

٢٣٦٨ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا حَسَنُ بْنُ مُوسَى: حَدَّثَنَا شَيْبَانُ عَنْ يَحْيَى: حَدَّثَنِي أَبُو قِلَابَةَ الْجَرْمِيُّ، أَنَّهُ أَخْبَرَهُ، أَنَّ شَدَّادَ بْنِ أَوْسٍ يَمِينًا هُوَ يَمْشِي مَعَ النَّبِيِّ ﷺ، فَذَكَرَ نَحْوَهُ.

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الصيام، باب ما جاء في الحجامة للصائم، ح: ١٦٨١ من حديث أبي قلابه به وهو في مسند أحمد: ٢٨٣/٥.

2369. (Another chain) From Ayyūb, from Abū Qilābah, from Al-Ash’ath, from Shaddād bin Aws, that Messenger of Allāh ﷺ came to a man at Al-Baqī’ while he was cupping when eighteen (days) had passed of Ramaḍān. The Prophet ﷺ was holding my hand. He said: “The one who cups and the one who is cupped have broken their fast.” (*Ṣaḥīḥ*)

٢٣٦٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وَهَيْبٌ: حَدَّثَنَا أَيُّوبُ عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْأَشْعَثِ، عَنْ شَدَّادِ بْنِ أَوْسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى عَلَى رَجُلٍ بِالْبُقْعِ وَهُوَ يَحْتَجِمُ وَهُوَ آخِذٌ بِيَدِي لِثَمَانِ عَشْرَةَ خَلْتُ مِنْ رَمَضَانَ، فَقَالَ: «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ».

Abū Dāwud said: Khālid Al-Hadh-dhā’ narrated similarly, from Abū

قال أَبُو دَاوُدَ: رَوَى خَالِدُ الْحَذَّاءُ عَنْ

Qilabah, with Ayyūb's chain of narrators.

أَبِي قِلَابَةَ بِإِسْنَادِ أَيُّوبَ مِثْلَهُ.

تخريج: [صحيح] أخرجه أحمد: ١٢٤/٤ والنسائي في الكبرى، ح: ٣١٤١ من حديث أيوب به، وصححه ابن خزيمة، ح: ١٩٦٤ وابن حبان، ح: ١٩٠١.

2370. It was reported from Ibn Juraij, who said: "Makhūl informed me that a *Shaikh* from Al-Hayy — in his narration 'Uthmān (one of the narrators) said: (who is truthful) — informed him: 'Thawbān, the freed slave of the Prophet ﷺ, informed him that the Prophet of Allāh ﷺ said: "The one who cups and the one who gets is cupped have broken their fast." (*Sahih*)

٢٣٧٠ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا مُحَمَّدُ بْنُ بَكْرٍ وَعَبْدُ الرَّزَّاقِ، ح: وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ إِبْرَاهِيمَ عَنْ ابْنِ جُرَيْجٍ: أَخْبَرَنِي مَكْحُولٌ أَنَّ شُبْحَانَ مِنَ الْحَيِّ، قَالَ عُثْمَانُ فِي حَدِيثِهِ: [مُصَدِّقًا] أَخْبَرَهُ، أَنَّ ثَوْبَانَ مَوْلَى النَّبِيِّ ﷺ أَخْبَرَهُ، أَنَّ نَبِيَّ اللَّهِ ﷺ قَالَ: «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ».

تخريج: [صحيح] أخرجه البيهقي: ٢٦٦/٤ من حديث أبي داود، والنسائي في الكبرى، ح: ٣١٣٤ من حديث ابن جريج به وهو في مسند أحمد: ٢٨٢/٥ ومصنف عبدالرزاق، ح: ٧٥٢٥.

2371. It was reported from Al-'Alā' bin Al-Hārith, from Makhūl, from Abū Asmā' Ar-Rahabī, from Thawbān, from the Prophet ﷺ that he said: "The one who cups and the one who gets cupped (both) have broken their fast." (*Sahih*)

Abū Dāwud said: Ibn Thawbān reported similarly with his chain of narration, from his father, from Makhūl.

٢٣٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا مَرْوَانُ: حَدَّثَنَا الْهَيْثَمُ بْنُ حُمَيْدٍ: حَدَّثَنَا الْعَلَاءُ بْنُ الْحَارِثِ عَنْ مَكْحُولٍ، عَنْ أَبِي أَسْمَاءَ الرَّحْبِيِّ، عَنْ ثَوْبَانَ عَنِ النَّبِيِّ ﷺ قَالَ: «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ». قَالَ أَبُو دَاوُدَ: رَوَاهُ ابْنُ ثَوْبَانَ عَنْ أَبِيهِ، عَنْ مَكْحُولٍ مِثْلَهُ بِإِسْنَادِهِ.

تخريج: [صحيح] انظر الحديث السابق: ٢٣٧٠ وأخرجه النسائي في الكبرى، ح: ٣١٣٥ من محمد بن خالد به.

Chapter 29. Regarding The Allowance For That

(المعجم ٢٩) بَابُ: فِي الرُّخْصَةِ فِي ذَلِكَ (التحفة ٢٩)

2372. It was reported from 'Abdul-Wārith, from Ayyūb, from 'Ikrimah, from Ibn 'Abbās, that the

٢٣٧٢ - حَدَّثَنَا أَبُو مَعْمَرٍ عَبْدُ اللَّهِ بْنُ عَمْرٍو: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ أَيُّوبَ، عَنْ

Messenger of Allāh ﷺ was cupped while he was fasting. (*Sahih*)

Abū Dāwud said: Wuhaib bin Khālīd reported it from Ayyūb, similarly with his chain, and Ja'far bin Rabī'ah and Hishām, meaning Ibn Ḥassān, reported it from 'Ikrimah, from Ibn 'Abbās, similarly.

عِكْرِمَةَ، عن ابن عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ اخْتَجَمَ وَهُوَ صَائِمٌ.

قَالَ أَبُو دَاوُدَ: رَوَاهُ وَهَيْبُ بْنُ خَالِدٍ عَنْ أَيُّوبَ بِإِسْنَادِهِ مِثْلَهُ وَجَعْفَرُ بْنُ رَبِيعَةَ وَهْشَامٌ يَعْنِي ابْنَ حَسَّانَ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ مِثْلَهُ.

تخریج: أخرجه البخاري، الطب، باب: أية ساعة يحتجم، ح: ٥٦٩٤ عن أبي معمر به.

2373. It was reported from Miqsam, from Ibn 'Abbās that the Messenger of Allāh ﷺ was cupped while he was fasting, and in a state of *Ihram*. (*Da'if*)

٢٣٧٣ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ عَنْ يَزِيدَ بْنِ أَبِي زِيَادٍ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ اخْتَجَمَ وَهُوَ صَائِمٌ مُحْرِمٌ.

تخریج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء من الرخصة في ذلك، ح: ٧٧٧ من حديث يزيد بن أبي زياد به وقال: "حسن صحيح" وسنده ضعيف، انظر: ١٤٧٤، ١٨٩٨ وللحديث شواهد عند البخاري، ح: ١٨٣٥ وغيره * يزيد ضعيف، والحديث السابق: ٢٣٧٢ يغني عنه.

2374. It was reported from 'Abdur-Rahmān Ibn Abī Lailā, who said: "A man from among the Companions of the Prophet ﷺ narrated to me, that the Messenger of Allāh ﷺ prohibited cupping and continuous fasting, but he did not make them (absolutely) unlawful, out of mercy to his Companions. He was asked: "O Messenger of Allāh! But you observe continuous fast until prior to dawn. He said: "I fast continuously until prior to dawn, and my Lord provides me food and drink." (*Da'if*)

٢٣٧٤ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَاصِيٍّ، عَنْ عَبْدِ الرَّحْمَنِ ابْنِ أَبِي لَيْلَى: حَدَّثَنِي رَجُلٌ مِنْ أَصْحَابِ النَّبِيِّ ﷺ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ الْحِجَامَةِ وَالْمَوَاصِلَةِ وَلَمْ يُحَرِّمَهُمَا إِبْقَاءً عَلَى أَصْحَابِهِ، فَقِيلَ لَهُ: يَا رَسُولَ اللَّهِ! إِنَّكَ تُوَاصِلُ إِلَى السَّحَرِ، فَقَالَ: «إِنِّي أَوْاصِلٌ إِلَى السَّحَرِ وَرَبِّي يُطْعِمُنِي وَيَسْقِينِي».

تخریج: [إسناده ضعيف] وهو في مسند أحمد: ٣١٤/٤ وللحديث شواهد كثيرة * سفيان الثوري عن.

2375. It was reported that Anas said: "We would not avoid cupping for the fasting person except if it caused a difficult hardship." (*Ṣaḥīḥ*)

٢٣٧٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ الْمُغِيرَةَ عَنْ ثَابِتٍ قَالَ: قَالَ أَنَسٌ: مَا كُنَّا نَدْعُ الْحِجَامَةَ لِلصَّائِمِ إِلَّا كَرَاهِيَةَ الْجَهْدِ.

تخريج: [إسناده صحيح] رواه البخاري، ح: ١٩٤٠ من حديث ثابت به بغير هذا اللفظ.

Comments:

The *Ḥadīth* means that cupping, as a rule, does not break the fast. The only consideration is that it might entail weakness to the fasting person. If no such fear exists, then it is permissible.

Chapter 30. Regarding The Fasting Person Having A Wet Dream During The Day In Ramaḍān.

2376. It was reported from Zaid bin Aslam, from a man from his companions, from a man among the Companions of the Prophet ﷺ, who said: "The Messenger of Allāh ﷺ said: 'The fast is not broken for one who vomited, nor had a sexual dream, nor being cupped.'" (*Daʿīf*)

(المعجم ٣٠) بَابُ: فِي الصَّائِمِ يَحْتَلِمُ نَهَارًا فِي رَمَضَانَ (التحفة ٣٠)

٢٣٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ رَجُلٍ مِنْ أَصْحَابِهِ، عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يُفْطَرُ مَنْ قَاءَ وَلَا مَنِ احْتَلَمَ وَلَا مَنِ احْتَجَمَ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٢٠/٤ من حديث أبي داود به * رجل من أصحاب زيد بن أسلم لم أعرفه وله شواهد ضعيفة عند الدارقطني: ١/١٨٣، ح: ٢٢٣٧.

Comments:

As to the meaning, the *Ḥadīth* is correct, i.e., the things mentioned in it are proved from other sound *Aḥādīth*. It may be mentioned here that deliberate vomiting invalidates the fast although unintentional vomiting will not harm it.

Chapter 31. Regarding A Fasting Person Using Kohl At The Time Of Sleeping

2377. It was narrated by 'Abdur-Raḥmān bin An-Nu'mān bin Ma'bad bin Hawdhah, from his father, from his grandfather, from the Prophet ﷺ that he ordered

(المعجم ٣١) بَابُ: فِي الْكُحْلِ عِنْدَ النَّوْمِ لِلصَّائِمِ (التحفة ٣١)

٢٣٧٧ - حَدَّثَنَا الثَّقَلِيُّ: حَدَّثَنَا عَلِيُّ بْنُ ثَابِتٍ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ التَّعْمَانِ بْنِ مَعْبُدٍ عَنْ هَوْدَةَ عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ: أَنَّهُ أَمَرَ بِالْإِنْمِدِ الْمُرُوحِ عِنْدَ النَّوْمِ

scented *Ithmid*^[1] be used at the time of sleep, and said: "A person fasting should abstain from it." (*Da'if*)

Abū Dāwud said: Yaḥyā bin Ma'in said to me: "It is a *Munkar Ḥadīth*" meaning the *Ḥadīth* about kohl.

وَقَالَ: «لَيْتَقَهُ الصَّائِمُ».

قَالَ أَبُو دَاوُدَ: قَالَ لِي يَحْيَى بْنُ مَعِينٍ:
هُوَ حَدِيثٌ مُنْكَرٌ يَعْنِي حَدِيثَ الْكُحْلِ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٩٩/٣ عن علي بن ثابت به * النعمان بن معبد: مجهول الحال، لم يوثقه غير ابن حبان.

2378. It was reported from 'Ubaidullāh bin Abī Bakr bin Anas, from Anas bin Mālik, that he used to apply kohl while fasting. (*Da'if*)

٢٣٧٨ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ: أَخْبَرَنَا
أَبُو مُعَاوِيَةَ عَنْ عُبَيْدَةَ أَبِي مُعَاذٍ، عَنْ عُبَيْدِ اللَّهِ
ابْنِ أَبِي بَكْرٍ بْنِ أَنَسٍ، عَنْ أَنَسِ بْنِ مَالِكٍ:
أَنَّهُ كَانَ يَكْتَحِلُ وَهُوَ صَائِمٌ.

تخريج: [إسناده ضعيف] أخرجه ابن أبي شيبة: ٤٧/٣، ح: ٩٢٧٢ عن أبي معاوية الضرير به وهو مدلس ولم يذكر في هذه الرواية سماعاً.

2379. It was reported from Al-A'mash, who said: "I did not see any of our companions dislike using kohl for a fasting person. Ibrāhīm permitted the use of kohl with aloe for a fasting person." (*Hasan*)

٢٣٧٩ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ
الْمُخَرَّمِيُّ وَيَحْيَى بْنُ مُوسَى الْبَلْخِيُّ قَالَا:
حَدَّثَنَا يَحْيَى بْنُ عِيسَى عَنْ الْأَعْمَشِ قَالَ: مَا
رَأَيْتُ أَحَدًا مِنْ أَصْحَابِنَا يَكْرَهُ الْكُحْلَ
لِلصَّائِمِ وَكَانَ إِبْرَاهِيمُ يُرَخِّصُ أَنْ يَكْتَحِلَ
الصَّائِمُ بِالصَّيْرِ.

تخريج: [إسناده حسن] السند حسن إلى الأعمش وضعيف إلى إبراهيم لأن الأعمش لم يصرح بالسماع.

Comments:

It is permitted for a fasting person to apply antimony or put medicinal drops in his eyes.

Chapter 32. The Fasting Person Who Intentionally Vomits

(المعجم ٣٢) - بَابُ الصَّائِمِ يَسْتَقِيءُ
عَامِدًا (التحفة ٣٢)

2380. Abū Hurairah said: "The

٢٣٨٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عِيسَى بْنُ

^[1] The name of a substance used in kohl.

Messenger of Allāh ﷺ said: 'Whoever is overcome with vomiting, there is no making up upon him, but if he vomits intentionally, then he must make it up.' (*Da'if*)

Abū Dāwud said: This was also reported by Ḥaḥṣ bin Ghīyāth from Hishām.

يُونُسَ: حَدَّثَنَا هِشَامُ بْنُ حَسَّانَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ ذَرَعَهُ قَيْءٌ وَهُوَ صَائِمٌ فَلَيْسَ عَلَيْهِ قَضَاءٌ، وَإِنْ اسْتَقَاءَ فَلْيَقْضِ». قَالَ أَبُو دَاوُدَ: رَوَاهُ أَيْضًا حَفْصُ بْنُ غِيَاثٍ عَنْ هِشَامٍ مِثْلَهُ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء فيمن استقاء عمدًا، ح: ٧٢٠ وابن ماجه، ح: ١٦٧٦ من حديث عيسى بن يونس به وصححه ابن خزيمة، ح: ١٩٦٠، ١٩٦١ وابن حبان، ح: ٩٠٧ والحاكم: ٤٢٦/١، ٤٢٧ على شرط الشيخين ووافقه الذهبي * هشام ابن حسان: مدلس وعنعن وللحديث طرق ضعيفة وروى البيهقي: ٢١٩/٤ وابن أبي شيبة: ٣٨/٣، ح: ٩١٨٨ بأسانيد صحيحة عن ابن عمر قال: "من ذرعه القيء فلا قضاء عليه ومن استقاء فعليه القضاء".

2381. It was narrated from Ma'dān bin Ṭalḥah that Abū Ad-Dardā' narrated to him: "The Messenger of Allāh ﷺ vomited, and broke his fast." I met Ṭhawbān, the freed slave of the Messenger of Allāh ﷺ in a Masjid in Damascus, and said to him: "Abū Ad-Dardā' narrated to me: 'The Messenger of Allāh ﷺ vomited and broke his fast.'" He said: "He spoke the truth, and I poured water for him for his *Wuḍū'*." (*Hasan*)

٢٣٨١ - حَدَّثَنَا أَبُو مَعْمَرٍ عَبْدُ اللَّهِ بْنُ عَمْرٍو: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا الْحُسَيْنُ عَنْ يَحْيَى: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ عَمْرٍو الْأَوْزَاعِيُّ عَنْ يَعِيشَ بْنِ الْوَلِيدِ بْنِ هِشَامٍ أَنَّ أَبَاهُ حَدَّثَهُ: حَدَّثَنِي مَعْدَانُ بْنُ طَلْحَةَ، أَنَّ أَبَا الدَّرْدَاءِ حَدَّثَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ قَاءَ فَأَفْطَرَ فَلَقِيتُ ثَوْبَانَ مَوْلَى رَسُولِ اللَّهِ ﷺ فِي مَسْجِدٍ دِمَشْقَ فَقُلْتُ: إِنَّ أَبَا الدَّرْدَاءِ حَدَّثَنِي: أَنَّ رَسُولَ اللَّهِ ﷺ قَاءَ فَأَفْطَرَ. قَالَ: صَدَقَ، وَأَنَا صَبَّيْتُ لَهُ وَضُوءَهُ.

تخريج: [إسناده حسن] أخرجه الترمذي، أبواب الطهارة، باب ما جاء في الوضوء من القيء والرعاف، ح: ٨٧ من حديث عبدالوارث به، وذكر كلامًا، وصححه الحاكم على شرط الشيخين: ٤٢٦/١ ووافقه الذهبي.

Comments:

There is no doubt that, unlike involuntary or sudden vomiting, deliberate vomiting will break the fast, and that day must be made up.

Chapter 33. Kissing For A Fasting Person

(المعجم ٣٣) - بَابُ الْقُبْلَةِ لِلصَّائِمِ

(التحفة ٣٣)

2382. It was reported from Al-Aswad and 'Alqamah, from 'Āishah, that she said: "The Messenger of Allāh ﷺ used to kiss and embrace while fasting, but He had most control over his desire." (*Ṣaḥīḥ*)

٢٣٨٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ
عَنِ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ
وَعَلْقَمَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ
ﷺ يُقَبِّلُ وَهُوَ صَائِمٌ وَيُبَاشِرُ وَهُوَ صَائِمٌ،
وَلَكِنَّهُ كَانَ أَمْلَكَ لِأَرْيِهِ.

تخریج: أخرجه مسلم، الصيام، باب بيان أن القبلة في الصوم ليست محرمة على من لم تحرك شهوته، ح: ٦٥/١١٠٦ من حديث أبي معاوية الضرير والبخاري، الصوم، باب المباشرة للصائم، ح: ١٩٢٧ من حديث إبراهيم النخعي به.

2383. It was reported from 'Amr bin Maimūn, from 'Āishah, may Allāh be pleased with her, she said: "The Prophet ﷺ used to kiss during the month of fasting." (*Ṣaḥīḥ*)

٢٣٨٣ - حَدَّثَنَا أَبُو تَوْبَةَ الرَّيِّعُ بْنُ نَافِعٍ:
حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ زِيَادِ بْنِ عِلَاقَةَ، عَنْ
عَمْرِو بْنِ مَيْمُونٍ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا
قَالَتْ: كَانَ النَّبِيُّ ﷺ يُقَبِّلُ فِي شَهْرِ الصَّوْمِ.

تخریج: أخرجه مسلم، الصوم، باب بيان أن القبلة في الصوم ليست محرمة ... إلخ، ح: ٧٠/١١٠٦ من حديث أبي الأحوص به.

2384. It was reported from Talḥah bin 'Abdullāh, meaning Ibn 'Uthmān Al-Qurashī, from 'Āishah, that she said: "The Messenger of Allāh ﷺ used to kiss me while he was fasting, and I was fasting." (*Ḍa'īf*)

٢٣٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا
سُفْيَانُ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ طَلْحَةَ بْنِ
عَبْدِ اللَّهِ يَعْنِي ابْنَ عُثْمَانَ الْقُرَشِيَّ، عَنْ عَائِشَةَ
قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يُقَبِّلُنِي وَهُوَ صَائِمٌ
وَأَنَا صَائِمَةٌ.

تخریج: [إسناده ضعيف] أخرجه أحمد: ١٧٩/٦ من حديث سفيان الثوري، والنسائي في الكبرى، ح: ٣٠٥٠ من حديث سعد بن إبراهيم به * الثوري عنن، وحديث النسائي في الكبرى: ٣٠٧٤، ٣٠٧٥ يغني عنه.

Comments:

It is allowed for a fasting husband and wife to kiss each other on condition that they keep control over themselves. However, if they fear that they will not be able to keep within limits, they must abstain from it, similarly, it may be disliked for the young people in general. See no. 2387.

2385. It was reported from Jābir bin ‘Abdullāh, who said: “‘Umar bin Al-Khaṭṭāb said: ‘I got excited, so I kissed while I was fasting. I said: “O Messenger of Allāh! I have done a horrible thing today; I kissed while I was fasting. He said: “What do you think if you rinse your mouth with water while fasting?” — in his narration, ‘Eisā bin Ḥammād (one of the narrators) said: “I (‘Umar) said: ‘There would be no harm in that.” — then both of them were in accord.^[1] — “He said: ‘Then what?’” (*Ṣaḥīḥ*)

٢٣٨٥ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا اللَّيْثُ، ح: وَحَدَّثَنَا عِيسَى بْنُ حَمَّادٍ: أَخْبَرَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ الْمَلِكِ بْنِ سَعِيدٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: قَالَ عَمْرُ بْنُ الْخَطَّابِ: هَشِشْتُ فَقَبَّلْتُ وَأَنَا صَائِمٌ، فَقُلْتُ: يَا رَسُولَ اللَّهِ! صَنَعْتُ الْيَوْمَ أَمْرًا عَظِيمًا، قَبَّلْتُ وَأَنَا صَائِمٌ. قَالَ: «أَرَأَيْتَ لَوْ مَضْمَضْتُ مِنَ الْمَاءِ وَأَنْتَ صَائِمٌ؟». قَالَ عِيسَى بْنُ حَمَّادٍ فِي حَدِيثِهِ قُلْتُ: لَا بَأْسَ بِهِ، ثُمَّ اتَّفَقَا، قَالَ: «قَمَمَهُ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٢١/١ والنسائي في الكبرى، ح: ٣٠٤٨ من حديث الليث بن سعد به وصححه ابن خزيمة، ح: ١٩٩٩ وابن حبان، ح: ٩٠٥ والحاكم: ٤٣١/١ على شرط الشيخين ووافقه الذهبي.

Chapter 34. The Fasting Person Swallowing Saliva

(المعجم ٣٤) - بَابُ الصَّائِمِ يَبْلَعُ الرِّيقَ (التحفة ٣٤)

2386. It was reported from Miṣḍa‘ Abī Yaḥyā, from ‘Aīshah that the Prophet ﷺ used to kiss her while he was fasting, and suck her tongue.

(Ibn Al-A‘rābī said: “It has been conveyed to me from Abū Dāwud, that he said: “This chain is not *Ṣaḥīḥ*.”)^[2] (*Da‘īf*)

٢٣٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى: حَدَّثَنَا مُحَمَّدُ بْنُ دِينَارٍ: حَدَّثَنَا سَعْدُ بْنُ أَوْسٍ الْعَبْدِيُّ عَنْ مِصْدَعِ أَبِي يَحْيَى، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ كَانَ يَقْبَلُهَا وَهُوَ صَائِمٌ وَيَمْصُرُ لِسَانَهَا. [قَالَ ابْنُ الْأَعْرَابِيِّ: بَلَغَنِي عَنْ أَبِي دَاوُدَ أَنَّهُ قَالَ: هَذَا الْإِسْنَادُ لَيْسَ بِصَحِيحٍ]

تخريج: [إسناده ضعيف] أخرجه أحمد: ١٢٣/٦ وابن خزيمة في صحيحه، ح: ٢٠٠٣ من حديث محمد بن دينار به وهو صدوق لكنه اختلط في آخر عمره، وباقي السند حسن.

[1] Meaning ‘Eisā bin Ḥammād and Aḥmad bin Yūnus.

[2] Aḥmad bin Muḥammad bin Ziyād, known as Ibn Al-A‘rābī, he was among the students of Abū Dāwud, and those who conveyed the text of the author.

Chapter 35. That It is Disliked In The Case Of A Young Person (While Fasting)

2387. It was reported from Abū Hurairah, that he said: “A man asked the Prophet ﷺ about embracing (a woman) while fasting? The Prophet ﷺ allowed him. Another one came and asked him, the Prophet ﷺ prohibited him. The one whom he allowed was an old man, and the one whom he prohibited was a young man.” (Hasan)

تخريج: [حسن] أخرجه البيهقي: ٢٣١/٤، ٢٣٢ من حديث أبي داود به * الأغر هو أبو مسلم الكوفي، وللحديث شاهد عند البيهقي.

Chapter 36. Whoever Awoke in the Morning In A State Of Sexual Impurity During Ramaḍān

2388. It was reported from ‘Aishah and Umm Salamah, the wives of the Prophet ﷺ, that they said: “The Messenger of Allāh ﷺ would awake in the morning in a state of sexual impurity.” — in his narration, ‘Abdullāh Al-Adhramī (one of the narrators) said: “during Ramaḍān” — “due to sexual intercourse, not due to a wet dream, then he would fast.” (Ṣaḥīḥ)

Abū Dāwud said: So few are those who narrate this statement, meaning; “he would awake in the morning, in a state of sexual impurity, during Ramaḍān.” While the *Hadīth* is only: “That the Prophet ﷺ would awake in the

(المعجم ٣٥) - بَابُ كَرَاهِيَّتِهِ لِلشَّابِّ
(التحفة ٣٥)

٢٣٨٧ - حَدَّثَنَا نَضْرُ بْنُ عَلِيٍّ: أَخْبَرَنَا أَبُو أَحْمَدَ يَعْنِي الزُّبَيْرِيَّ: أَخْبَرَنَا إِسْرَائِيلُ عَنْ أَبِي الْعَبَّاسِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا سَأَلَ النَّبِيَّ ﷺ عَنِ الْمُبَاشَرَةِ لِلصَّائِمِ؟، فَرَحَّصَ لَهُ، وَأَتَاهُ آخَرُ فَسَأَلَهُ فَنَهَا، فَإِذَا الَّذِي رَحَّصَ لَهُ شَيْخٌ، وَالَّذِي نَهَا شَابٌّ.

(المعجم ٣٦) - بَابُ مَنْ أَصْبَحَ جُنْبًا فِي شَهْرِ رَمَضَانَ (التحفة ٣٦)

٢٣٨٨ - حَدَّثَنَا الْقُعْنَبِيُّ عَنْ مَالِكٍ؛ ح: وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ بْنُ إِسْحَاقَ الْأَذْرَمِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مُهْدِيٍّ عَنْ مَالِكٍ، عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ، عَنْ أَبِي بَكْرِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ، عَنْ عَائِشَةَ وَأُمِّ سَلَمَةَ زَوْجَتَي النَّبِيِّ ﷺ أَنَّهُمَا قَالَتَا: كَانَ رَسُولُ اللَّهِ ﷺ يُصْبِحُ جُنْبًا - قَالَ عَبْدُ اللَّهِ الْأَذْرَمِيُّ فِي حَدِيثِهِ: فِي رَمَضَانَ - مِنْ جَمَاعٍ غَيْرِ اخْتِلَامٍ ثُمَّ يَصُومُ.

قَالَ أَبُو دَاوُدَ: مَا أَقَلَّ مَنْ يَقُولُ هَذِهِ الْكَلِمَةَ يَعْنِي يُصْبِحُ جُنْبًا فِي رَمَضَانَ وَإِنَّمَا الْحَدِيثُ: أَنَّ النَّبِيَّ ﷺ كَانَ يُصْبِحُ جُنْبًا وَهُوَ

morning in the state of sexual impurity, and he would fast.”

صَائِمٌ.

تخريج: أخرجه مسلم، الصيام، باب صحة صوم من طلع عليه الفجر وهو جنب، ح: ٧٨/١١٠٩ من حديث مالك به وهو في الموطأ (يحيى): ٢٨٩/١، ٢٩٠ وللحديث لون آخر عند البخاري، ح: ١٩٢٥، ١٩٢٦.

Comments:

A fast is not invalid merely because the one fasting began it in a state of impurity.

2389. It was reported from ‘Āishah, the wife of the Prophet ﷺ, that a man said to the Messenger of Allāh ﷺ, while he was standing at the door: “O Messenger of Allāh! I woke up in the morning while I was in a state of sexual impurity, and I want to fast.” The Messenger of Allāh ﷺ said to him: “And I also wake up in the morning while I was in a state of sexual impurity, and I want to fast, so I performed *Ghusl* and fast.” The man said: “O Messenger of Allāh! You are not like one of us, Allāh has forgiven your past and future sins.” The Messenger of Allāh ﷺ got angry and said: “I swear by Allāh! I hope that I am the most fearful of Allāh, and most knowledgeable of you all in what I follow.” (*Ṣaḥīḥ*)

٢٣٨٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ يَعْني الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ مَعْمَرٍ الْأَنْصَارِيِّ، عَنْ أَبِي يُوسُفَ مَوْلَى عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا، عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ: أَنَّ رَجُلًا قَالَ لِرَسُولِ اللَّهِ ﷺ وَهُوَ وَقَفْتُ عَلَى الْبَابِ: يَا رَسُولَ اللَّهِ! إِنِّي أَصْبَحُ جُنْبًا وَأَنَا أُرِيدُ الصَّيَامَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَأَنَا أَصْبَحُ جُنْبًا وَأَنَا أُرِيدُ الصَّيَامَ فَأَغْتَسِلُ وَأُصُومُ»، فَقَالَ الرَّجُلُ: يَا رَسُولَ اللَّهِ! إِنَّكَ لَسْتَ مِثْلَنَا، قَدْ غَفَرَ اللَّهُ لَكَ مَا تَقَدَّمَ مِنْ ذَنْبِكَ وَمَا تَأَخَّرَ، فَغَضِبَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «وَاللَّهِ! إِنِّي لَأَرْجُو أَنْ أَكُونَ أَخْشَاكُمْ لِلَّهِ وَأَعْلَمَكُمْ بِمَا أَتَّبِعُ».

تخريج: [إسناده صحيح] أخرجه مسلم، الصيام، باب صحة صوم من طلع عليه الفجر وهو جنب، ح: ١١١٠ من حديث عبد الله بن عبد الرحمن بن عبد الله بن موطأ (يحيى): ٢٨٩/١.

Chapter 37. Expiation For A Man Who Has Sexual Intercourse With His Wife During Ramaḍān

(المعجم ٣٧) - بَابُ كَفَّارَةِ مَنْ أَتَى أَهْلَهُ فِي رَمَضَانَ (التحفة ٣٧)

2390. It was reported from Sufyān (Ibn ‘Uyaynah), from Az-Zuhri, from Ḥumaid bin ‘Abdur-Raḥmān,

٢٣٩٠ - حَدَّثَنَا مُسَدَّدٌ وَمُحَمَّدُ بْنُ عِيسَى الْمَعْنَى قَالَا: حَدَّثَنَا سُفْيَانُ قَالَ مُسَدَّدٌ: قَالَ:

from Abū Hurairah, who said: “A man came to the Prophet ﷺ and said: ‘I am ruined.’ He said: ‘What is the matter with you?’ He said: ‘I had sexual intercourse with my wife in Ramaḍān (in daytime while fasting).’ He said: ‘Do you have the means of freeing a slave?’ He said: ‘No.’ He said: ‘Can you fast for two consecutive months?’ He said: ‘No.’ He said: ‘Can you feed sixty poor people?’ He said: ‘No.’ He said: ‘Sit down.’

A bushel (‘*Arak*’) of dates was brought to the Prophet ﷺ. Then he said: ‘Give this in charity.’ He said: ‘O Messenger of Allāh! There is nobody between the two lava fields of it (Al-Madīnah) poorer than my family.’” He said: “The Messenger of Allāh ﷺ laughed till his eye-teeth were visible, and he said: ‘Feed it to your family.’”

(One of the narrators) Musad-dad, said, in another place: “His pre-molar teeth.” (Ṣaḥīḥ)

تخریج: أخرجه البخاري، كفارات الأيمان، باب: يعطي في الكفارة عشرة مساكين قريباً كان أو بعيداً، ح: ٦٧١١ ومسلم، الصيام، باب تغليظ تحريم الجماع في نهار رمضان على الصائم، ح: ١١١١ من حديث سفيان بن عيينة به.

2391. Ma‘mar reported this *Hadīth*, with its meaning, from Az-Zuhri, and (in it) Az-Zuhri added: “This was only a special concession for him specifically. So if a man were to do that today, he will have no choice but to expiate for it.” (Ṣaḥīḥ)

Abū Dāwud said: It has been reported by Al-Laiṭh bin Sa‘d, Al-Awzā‘ī, Manṣūr bin Al-Mu‘tamir

حَدَّثَنَا الزُّهْرِيُّ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَتَى رَجُلٌ النَّبِيَّ ﷺ فَقَالَ: هَلَكْتُ، قَالَ: «مَا شَأْنُكَ؟» قَالَ: وَقَعْتُ عَلَى امْرَأَتِي فِي رَمَضَانَ، قَالَ: «فَهَلْ تَجِدُ مَا تُغْتِقُ رَقَبَةً؟» قَالَ: لَا، قَالَ: «فَهَلْ تَسْتَطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَابَعَيْنِ؟» قَالَ: لَا، قَالَ: «فَهَلْ تَسْتَطِيعُ أَنْ تُطْعِمَ سِتِّينَ مِسْكِينًا؟» قَالَ: لَا، قَالَ: «اجْلِسْ»، فَأَتَى النَّبِيَّ ﷺ بِعَرَقٍ فِيهِ تَمْرٌ فَقَالَ: «تَصَدَّقْ بِهِ»، فَقَالَ: يَا رَسُولَ اللَّهِ! مَا بَيْنَ لَابَتَيْهَا أَهْلُ بَيْتٍ أَفْقَرُ مِنَّا، قَالَ: فَضَحِكَ رَسُولُ اللَّهِ ﷺ حَتَّى بَدَتْ ثَنَابَاهُ، قَالَ: «فَاطْعِمَهُ إِيَّاهُمْ»، وَقَالَ مُسَدَّدٌ فِي مَوْضِعٍ آخَرَ: أَنْبَاهُ.

٢٣٩١ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ بِهَذَا الْحَدِيثِ بِمَعْنَاهُ. زَادَ الزُّهْرِيُّ وَلَئِنَّمَا كَانَ هَذَا رُخْصَةً لَهُ خَاصَّةً فَلَوْ أَنَّ رَجُلًا فَعَلَ ذَلِكَ الْيَوْمَ، لَمْ يَكُنْ لَهُ بُدٌّ مِنَ التَّكْفِيرِ.

قَالَ أَبُو دَاوُدَ: رَوَاهُ اللَّيْثُ بْنُ سَعْدٍ وَالْأَوْزَاعِيُّ وَمَنْصُورُ بْنُ الْمُعْتَمِرِ وَعِرَاكُ بْنُ

and 'Irāk bin Mālīk with the same meaning as what was reported by Ibn Uyaynah. In his narration, Al-'Awzā'ī added. "And seek forgiveness from Allāh."

تخريج: أخرجه البخاري، كفارات الأيمان، باب من أعان المعسر في الكفارة، ح: ٦٧١٠ من حديث معمر به ومسلم، انظر الحديث السابق، من حديث عبدالرزاق به وهو في المصنف له، ح: ٧٤٥٧.

2392. It was reported from Mālīk, from Ibn Shihāb (Az-Zuhri), from Hūmaid bin 'Abdur-Raḥmān, from Abū Hurairah, that a man broke his fast (intentionally) during Ramaḍān, so the Messenger of Allāh ﷺ ordered him to emancipate a slave, or fast for two consecutive months, or feed sixty poor people. He said: "I am not able." The Messenger of Allāh ﷺ said to him: "Sit down." A bushel (*Araq*) of dates was brought to the Messenger of Allāh ﷺ. Then he said: "Take this and give it in charity." He said: "O Messenger of Allāh! There is no one needier than I am." The Messenger of Allāh ﷺ laughed till his pre-molar teeth were visible, and he said to him: "Eat it yourself." (*Ṣaḥīḥ*)

Abū Dāwud said: Ibn Juraij reported it from Az-Zuhri, with the wording of Mālīk; that a man broke his fast, and he said in it: "or emancipate a slave, or fast for two months or feed sixty poor people."

مَالِك، عَلَى مَعْنَى ابْنِ عُيَيْنَةَ. زَادَ فِيهِ الْأَوْزَاعِيُّ: «وَأَسْتَغْفِرُ اللَّهَ».

٢٣٩٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنِ ابْنِ شِهَابٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَجُلًا أَفْطَرَ فِي رَمَضَانَ فَأَمَرَهُ رَسُولُ اللَّهِ ﷺ أَنْ يُعْتِقَ رَقَبَةً أَوْ يَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ أَوْ يُطْعِمَ سِتِينَ مِسْكِينًا. قَالَ: لَا أَجِدُ. فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «اجْلِسْ»، فَأَتَى رَسُولُ اللَّهِ ﷺ بِعَرَقٍ فِيهِ تَمْرٌ فَقَالَ: «خُذْ هَذَا فَتَصَدَّقْ بِهِ». فَقَالَ: يَا رَسُولَ اللَّهِ! مَا أَحَدٌ أَحْوَجَ مِنِّي - فَضَحِكَ رَسُولُ اللَّهِ ﷺ حَتَّى بَدَتْ أَنْثَاهُ، وَقَالَ لَهُ: «كُلْهُ».

قَالَ أَبُو دَاوُدَ: وَرَوَاهُ ابْنُ جُرَيْجٍ عَنِ الزُّهْرِيِّ عَلَى لَفْظِ مَالِكٍ: أَنَّ رَجُلًا أَفْطَرَ، وَقَالَ فِيهِ: أَوْ تُعْتِقَ رَقَبَةً، أَوْ تَصُومَ شَهْرَيْنِ أَوْ تُطْعِمَ سِتِينَ مِسْكِينًا.

تخريج: أخرجه مسلم، ح: ١١١١ من حديث مالك به انظر، ح: ٢٣٩٠ وهو في الموطأ (يحيى): ٢٩٦/١، ٢٩٧.

Comments:

The sequential order indicated in the *Hadīth* has to be maintained in performing expiation, since the Messenger of Allāh ﷺ only suggested the second and third modes of expiation after the questioner's expression of inability to implement the first.

2393. It was reported from Hishām bin Sa'd, from Ibn Shihāb (Az-Zuhri), from Abū Salamah bin 'Abdur-Rahmān, from Abū Hurairah, who said: "A man who broke his fast in Ramaḍān came to the Prophet ﷺ," then narrated the rest of the *Hadīth* (as no. 2392) and said: "A bushel (*'Araq*) containing fifteen *Ṣā'* of dates was brought to the Prophet ﷺ." And he said in it: "Eat it yourself, and (feed) your family, and fast for a day, and seek forgiveness from Allāh." (*Da'if*)

٢٣٩٣ - حَدَّثَنَا جَعْفَرُ بْنُ مُسَافِرٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: حَدَّثَنَا هِشَامُ بْنُ سَعْدٍ عَنْ ابْنِ شِهَابٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ أَفْطَرَ فِي رَمَضَانَ بِهَذَا الْحَدِيثِ قَالَ: فَأَتَيْتِ بِعَرَقٍ فِيهِ ثَمَرٌ قَدَرُ خَمْسَةِ عَشَرَ صَاعًا وَقَالَ فِيهِ: «كُلْهُ أَنْتَ وَأَهْلُ بَيْتِكَ وَصُمْ يَوْمًا وَاسْتَغْفِرِ اللَّهَ».

تخريج: [إسناده ضعيف] أخرجه الدارقطني: ١٩٠/٢ من حديث أبي داود به وصححه ابن خزيمة، ح: ١٩٥٤ وللحديث شواهد كثيرة جدًا * الزهري عنن.

Comments:

It is compulsory to redeem a broken fast.

2394. It was reported from 'Abbād bin 'Abdullāh bin Az-Zubair, that he heard 'Āishah, the wife of the Prophet ﷺ, saying: "A man came to the Prophet ﷺ in the *Masjid* during Ramaḍān, and said: 'O Messenger of Allāh! I have been burnt (ruined).' The Prophet ﷺ asked him: 'What happened to him.' He said: 'I had sexual intercourse with my wife.' He said: 'Give charity.' He said: 'I swear by Allāh! I do not have anything, and I am not able.' He said: 'Sit down,' then he sat down. While he was sitting a man came driving a donkey loaded with food. The

٢٣٩٤ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ، أَنَّ عَبْدَ الرَّحْمَنِ بْنَ الْقَاسِمِ حَدَّثَهُ، أَنَّ مُحَمَّدَ بْنَ جَعْفَرِ بْنِ الزُّبَيْرِ حَدَّثَهُ، أَنَّ عَبَادَ بْنَ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ حَدَّثَهُ، أَنَّهُ سَمِعَ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ تَقُولُ: أَتَى رَجُلٌ النَّبِيَّ ﷺ فِي الْمَسْجِدِ فِي رَمَضَانَ فَقَالَ: يَا رَسُولَ اللَّهِ! احْتَرَقْتُ فَسَأَلَهُ النَّبِيُّ ﷺ «مَا شَأْنُكَ؟» فَقَالَ: أَصَبْتُ أَهْلِي؟ قَالَ: «تَصَدَّقْ» قَالَ: وَاللَّهِ! مَا لِي شَيْءٌ وَلَا أَقْدِرُ عَلَيْهِ، قَالَ: «اجْلِسْ» فَجَلَسَ، فَبَيْنَمَا هُوَ عَلَى ذَلِكَ

Messenger of Allāh ﷺ said: 'Give this in charity.' He asked: 'O Messenger of Allāh, to other than us? I swear by Allāh! We are hungry, we do not have anything.' He said: 'Eat it yourselves.'" (*Ṣaḥīh*)

أَقْبَلَ رَجُلٌ يَسُوقُ حِمَارًا عَلَيْهِ طَعَامٌ فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَيْنَ الْمُحْتَرِقُ أَيُّهَا؟» فَقَامَ الرَّجُلُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «تَصَدَّقْ بِهَذَا»، فقال: يَا رَسُولَ اللَّهِ! أَعَلَى غَيْرِنَا؟ فَوَاللَّهِ! إِنَّا لَجِيَاعٌ مَا لَنَا شَيْءٌ؟ قال: «كُلُوهُ».

تخريج: أخرجه مسلم، الصيام، باب تغليظ تحريم الجماع في نهار رمضان على الصائم ... إلخ: ١١١٢ من حديث عبدالله بن وهب به وعلقه البخاري، الحدود، باب من أصاب ذنباً دون الحد ... إلخ، ح: ٦٨٢٢ من حديث عمرو بن الحارث به.

2395. (Another chain) from 'Abbād bin 'Abdullāh, from 'Āishah, with this story. He (the narrator) said: "A bushel ('Araq) containing twenty *Ṣā'* of dates was brought." (*Ḥasan*)

٢٣٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَوْفٍ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي مَرْيَمَ: حَدَّثَنَا ابْنُ أَبِي الزِّنَادِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ، عَنْ مُحَمَّدِ بْنِ جَعْفَرِ بْنِ الزُّبَيْرِ، عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ، عَنْ عَائِشَةَ بِهَذِهِ الْقِصَّةِ قَالَ: فَأَتَيْتُ بِعَرَقٍ فِيهِ عِشْرُونَ صَاعًا.

تخريج: [إسناده حسن] انظر الحديث السابق.

Chapter 38. The Severe Threat For One Who Intentionally Breaks His Fast

2396. It was reported from Abū Hurairah, that he said: "The Messenger of Allāh ﷺ said: 'Whoever breaks his fast during a day of Ramaḍān, without any permission granted by Allāh, it will never be made up, even if he fasted for all his life.'" (*Ḍa'if*)

(المعجم ٣٨) - بَابُ التَّغْلِيظِ فِيمَنْ أَفْطَرَ عَمْدًا (التحفة ٣٨)

٢٣٩٦ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ قَالَ: حَدَّثَنَا شُعْبَةُ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا شُعْبَةُ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ عُمَارَةَ بْنِ عُمَيْرٍ، عَنْ ابْنِ مُطْلُوسٍ، عَنْ أَبِيهِ - قَالَ ابْنُ كَثِيرٍ: عَنْ أَبِي الْمُطْلُوسِ - عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ فِي غَيْرِ رُخْصَةٍ رَخَّصَهَا اللَّهُ لَهُ لَمْ يَقْضِ عَنْهُ صِيَامَ الدَّهْرِ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء في الإفطار متعمداً، ح: ٧٢٣ من حديث حبيب بن أبي ثابت به وذكر كلاماً * أبو المطوس: لين الحديث، وأبوه: مجهول (تقريب).

2397. (Another chain) from Abū Hurairah who said: “The Prophet ﷺ said” and it is similar to the (previous) narration of (the narrators) Ibn Kathīr and Sulaimān. (*Daʿīf*)

Abū Dāwud said: Those who reported the narration from Sufyān and Shuʿbah differed in how they reported it from them; (saying) “Ibn Al-Muṭawwis” and “Abū Al-Muṭawwis.”^[1]

٢٣٩٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنِي يَحْيَى بْنُ سَعِيدٍ عَنْ سُفْيَانَ: حَدَّثَنِي حَبِيبٌ عَنْ عُمَارَةَ، عَنْ ابْنِ الْمُطَّوِّسِ قَالَ: فَلَقِيتُ ابْنَ الْمُطَّوِّسِ فَحَدَّثَنِي عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ النَّبِيُّ ﷺ مِثْلَ حَدِيثِ ابْنِ كَثِيرٍ وَسُلَيْمَانَ.
قَالَ أَبُو دَاوُدَ: اخْتَلَفَ عَلَى سُفْيَانَ وَشُعْبَةَ عَنْهُمَا ابْنُ الْمُطَّوِّسِ وَأَبُو الْمُطَّوِّسِ.

تخريج: [إسناده ضعيف] انظر الحديث السابق: ٢٣٩٦ وهو في مسند أحمد: ٢/٤٧٠.

Chapter 39. Whoever Ate Forgetfully

(المعجم ٣٩) - بَابُ مَنْ أَكَلَ نَاسِيًا

(التحفة ٣٩)

2398. Abū Hurairah said: “A man came to the Prophet ﷺ and said: ‘O Messenger of Allāh! I ate and drank out of forgetfulness while I was fasting.’ He said: ‘Allāh fed you and gave you drink.’” (*Ṣaḥīḥ*)

٢٣٩٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ وَحَبِيبٍ وَهَشَامٍ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي أَكَلْتُ وَشَرِبْتُ نَاسِيًا وَأَنَا صَائِمٌ، فَقَالَ: «أَطْعَمَكَ اللَّهُ وَسَقَاكَ».

تخريج: [إسناده صحيح] وأخرجه البخاري، الصوم، باب الصائم إذا أكل أو شرب ناسيًا، ح: ١٩٣٣ ومسلم، الصيام، باب أكل الناسي وشربه وجماعه لا يفطر، ح: ١١٥٥ من حديث هشام به مختصرًا دون قصة الرجل.

Comments:

Eating and drinking forgetfully does not invalidate one's fast or their requirement to complete it if they realize that.

Chapter 40. Delay In Making Up (Missed Days Of) Ramaḍān

(المعجم ٤٠) - بَابُ تَأْخِيرِ قَضَاءِ رَمَضَانَ

(التحفة ٤٠)

2399. ‘Āishah said: “If there was

٢٣٩٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ

^[1] That is, the one who heard it from Abū Hurairah, some of them cited his name this way, and some that way.

some fast due upon me from Ramaḍān, I would not be able to make it up until Shā'bān came.” (Ṣaḥīḥ)

الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ أَنَّهُ سَمِعَ عَائِشَةَ تَقُولُ: إِنْ كَانَ لَيَكُونُ عَلَيَّ الصَّوْمُ مِنْ رَمَضَانَ، فَمَا أَسْتَطِيعُ أَنْ أَقْضِيَهُ حَتَّى يَأْتِيَ شَعْبَانُ.

تخريج: أخرجه البخاري، الصوم، باب: متى يقضى قضاء رمضان؟ ح: ١٩٥٠ ومسلم، الصيام، باب جواز تأخير قضاء رمضان مالم يجيء رمضان آخر... إلخ، ح: ١١٤٦ من حديث يحيى بن سعيد الأنصاري به وهو في الموطأ (يحيى): ٣٠٨/١.

Chapter 41. Regarding Whoever Died And Some Fast Was Still Due Upon Him

(المعجم ٤١) بَابُ: فِيمَنْ مَاتَ وَعَلَيْهِ
صِيَامٌ (التحفة ٤١)

2400. ‘Āishah said: “The Prophet ﷺ said: ‘Whoever dies while he still has some fast due on him, his heir should fast for him.’” (Ṣaḥīḥ)
Abū Dāwud said: This is in the case of a vow, and this is the saying of Aḥmad bin Ḥanbal.

٢٤٠٠ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ، عَنْ مُحَمَّدِ بْنِ جَعْفَرِ بْنِ الزُّبَيْرِ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ مَاتَ وَعَلَيْهِ صِيَامٌ صَامَ عَنْهُ وَلِيُّهُ».

قَالَ أَبُو دَاوُدَ: هَذَا فِي النَّذْرِ وَهُوَ قَوْلُ أَحْمَدَ بْنِ حَنْبَلٍ.

تخريج: أخرجه مسلم، الصيام، باب قضاء الصوم عن الميت، ح: ١١٤٧ من حديث ابن وهب، والبخاري، الصوم، باب من مات وعليه صوم، ح: ١٩٥٢ من حديث عمرو بن الحارث به.

Comments:

This narration appears again in the Book of Vows (number 3311), and before that (3310) is a *Ḥadīth* narrated by Ibn ‘Abbās in which the Messenger of Allāh ﷺ ordered making up the fast by a sister of one who died and it was due. Ibn ‘Abbās interpreted these to refer to when one vowed to fast, as did Aḥmad and apparently the author.

2401. Ibn ‘Abbās said: “If a man falls ill during Ramaḍān and dies without recovering from it (so that he could fast), a poor person should

٢٤٠١ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي حَصِينٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: إِذَا مَرَضَ الرَّجُلُ

be fed on his behalf. There is no making up due upon him. If he made a vow, then his heir should make it up on his behalf.” (Daʿīf)

تخريج: [إسناده ضعيف] أخرجه عبدالرزاق في المصنف، ح: ٧٦٣٠ عن سفيان الثوري به ولم أجد تصريح سماعه.

Chapter 42. Fasting During A Journey

2402. It was reported from ‘Āishah that Ḥamzah Al-Aslamī asked the Prophet ﷺ: “O Messenger of Allāh! I am a man who fasts regularly, can I fast while on a journey?” He said: “You can fast if you wish, and you can break your fast if you wish.” (Ṣaḥīḥ)

تخريج: أخرجه مسلم، الصيام، باب التخيير في الصوم والفطر في السفر، ح: ١١٢١ من حديث حماد بن زيد به.

Chapter (...) (The Person Involved In Trade Breaking The Fast)

2403. It was reported from Ḥamzah bin Muḥammad bin Ḥamzah Al-Aslamī, from his father who informed him from his grandfather, who said: “I said: ‘O Messenger of Allāh! I own mounts, which I use, and I travel on them, and I also rent them out. Sometimes this month (Ramaḍān) comes to me while I am on a journey. I find myself strong enough to fast, as I am young. I find it easier to fast, O Messenger of Allāh, then to postpone it, and it becomes a debt due on me. Will I get more reward if I fast O

فِي رَمَضَانَ ثُمَّ مَاتَ وَلَمْ يَصِحَّ أُطْعِمَ عَنْهُ وَلَمْ يَكُنْ عَلَيْهِ قَضَاءٌ، وَإِنْ نَذَرَ قَضَى عَنْهُ وَلَيْتُهُ.

(المعجم ٤٢) - بَابُ الصَّوْمِ فِي السَّفَرِ (التحفة ٤٢)

٢٤٠٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ وَمُسَدَّدٌ قَالَا: حَدَّثَنَا حَمَّادٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ حَمْرَةَ الْأَسْلَمِيَّ سَأَلَ النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي رَجُلٌ أَسْرُدُ الصَّوْمَ أَفَأَصُومُ فِي السَّفَرِ؟ قَالَ: «صُمْ إِنْ شِئْتَ وَأَفْطِرْ إِنْ شِئْتَ».

(المعجم ...) [بَابُ التَّاجِرِ يُفْطِرُ] (التحفة ...)

٢٤٠٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ التَّقِيلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَجِيدِ الْمَدَنِيُّ قَالَ: سَمِعْتُ حَمْرَةَ بْنَ مُحَمَّدٍ بْنِ حَمْرَةَ الْأَسْلَمِيَّ يَذْكُرُ: أَنَّ أَبَاهُ أَخْبَرَهُ عَنْ جَدِّهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي صَاحِبُ ظَهْرٍ أَعَالِجُهُ أَسَافِرُ عَلَيْهِ وَأُكْرِيه، وَإِنَّهُ رَبَّمَا صَادَفَنِي هَذَا الشَّهْرُ يَعْنِي رَمَضَانَ، وَأَنَا أَجِدُ الْقُوَّةَ، وَأَنَا شَابٌّ، فَأَجِدُ بَأَنِّ أَصُومُ يَا رَسُولَ اللَّهِ! أَهَوَنَ عَلَيَّ مِنْ أَنْ أُؤَخِّرَهُ فَيَكُونَ دَيْنًا أَفَأَصُومُ يَا رَسُولَ اللَّهِ! أَغْظُمُ لِأَجْرِي أَوْ

Messenger of Allāh! Or if I break it?" He said: "Whichever you wish, O Ḥamzah." (*Ḍaʿīf*)

أَفْطَرُ؟ قَالَ: «أَيَّ ذَلِكَ شِئْتَ يَا حَمْزَةُ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٤١/٤ من حديث أبي داود به * محمد بن عبدالمجيد وحمزة بن محمد ومحمد بن حمزة: مستورون.

Comments:

Most editions of Abū Dāwud do not mention a chapter here.

2404. It was reported from Tāwūs, from Ibn 'Abbās who said: "The Prophet ﷺ left Al-Madīnah for Makkah. When he reached 'Uṣfān he asked for a vessel of water, and raised it up to his mouth, to show it to the people. And that was during Ramaḍān."

So Ibn 'Abbās used to say: "The Prophet ﷺ fasted and broke his fast. Whoever wishes to fast can do so, and whoever wishes to break his fast can do so." (*Ṣaḥīḥ*)

٢٤٠٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو عَوَانَةَ

عَنْ مَنصُورٍ، عَنْ مُجَاهِدٍ، عَنْ طَاوُسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: خَرَجَ النَّبِيُّ ﷺ مِنَ الْمَدِينَةِ إِلَى مَكَّةَ حَتَّى بَلَغَ عُسْفَانَ ثُمَّ دَعَا بِإِنَاءٍ فَرَفَعَهُ إِلَى فِيهِ لِيَرِيَهُ النَّاسُ، وَذَلِكَ فِي رَمَضَانَ، فَكَانَ ابْنُ عَبَّاسٍ يَقُولُ: قَدْ صَامَ النَّبِيُّ ﷺ وَأَفْطَرَ، فَمَنْ شَاءَ صَامَ وَمَنْ شَاءَ أَفْطَرَ.

تخريج: أخرجه البخاري، الصوم، باب من أفطر في السفر ليراه الناس، ح: ١٩٤٨ من حديث أبي عوانة الوضاح ومسلم، الصيام، باب جواز الصوم والفطر في شهر رمضان للمسافر في غير معصية... إلخ، ح: ١١١٣ من حديث منصور به.

Comments:

This happened while the Prophet ﷺ and his Companions were on their way for the Conquest of Makkah. This *Ḥadīth* proves that if a person on journey intends to fast for that day, he can break it at any time for a genuinely valid reason.

2405. It was reported from Anas, who said: "We traveled with the Messenger of Allāh ﷺ in Ramaḍān. Some of us fasted and others did not. Those who fasted did not find fault with those who broke their fast, neither did those who broke their fast find fault with those who fasted." (*Ṣaḥīḥ*)

٢٤٠٥ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا

زَائِدَةُ عَنْ حُمَيْدِ الطَّوِيلِ، عَنْ أَنَسٍ قَالَ: سَافَرْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي رَمَضَانَ، فَصَامَ بَعْضُنَا، وَأَفْطَرَ بَعْضُنَا، فَلَمْ يَبْ يَعْصِ الصَّائِمُ عَلَى الْمُفْطِرِ، وَلَا الْمُفْطِرُ عَلَى الصَّائِمِ.

تخريج: أخرجه البخاري، الصوم، باب: لم يعب أصحاب النبي ﷺ بعضهم بعضاً في الصوم والإفطار، ح: ١٩٤٧ ومسلم، الصيام، باب جواز الصوم والفطر في شهر رمضان للمسافر في غير معصية... إلخ، ح: ١١١٨ من حديث حميد الطويل به.

2406. It was reported from Qaza'ah, who said: "I came to Abū Sa'eed Al-Khudrī, while he was giving *Fatwa* for the people and they were surrounding him, so I waited until he was alone. When he was alone, I asked him about fasting during Ramaḍān while traveling. He said: 'We went out with the Prophet ﷺ during Ramaḍān in the Year of the Conquest of Makkah. The Messenger of Allāh ﷺ fasted, and we fasted with him until we reached a certain stage. He (ﷺ) said: "You have come near your enemy, and you will be stronger if you break your fast." When morning came, some of us fasted, and others broke their fast.' He said: 'We proceeded further and dismounted at a stage. He (ﷺ) said: "You are going to attack your enemy tomorrow morning, and by breaking the fast, you will be stronger, so break your fast." So this was a resolute order of the Messenger of Allāh ﷺ.' Abū Sa'eed said: 'I found myself fasting along the Prophet ﷺ before and after that.'" (*Ṣaḥīḥ*)

٢٤٠٦ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ وَوَهْبُ ابْنِ بَيَانَ الْمَعْنَى قَالَا: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي مُعَاوِيَةُ عَنْ رَبِيعَةَ بْنِ يَرِيدَ، أَنَّهُ حَدَّثَهُ، عَنْ قَزَعَةَ قَالَ: أَتَيْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ وَهُوَ يُفْتِي النَّاسَ وَهُمْ مُكْبُونَ عَلَيْهِ فَانْتَظَرْتُ خَلْوَتَهُ، فَلَمَّا خَلَا سَأَلْتُهُ عَنْ صِيَامِ رَمَضَانَ فِي السَّفَرِ؟ فَقَالَ: خَرَجْنَا مَعَ النَّبِيِّ ﷺ فِي رَمَضَانَ عَامَ الْفَتْحِ، فَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ وَنَصُومُ حَتَّى بَلَغَ مَنْزِلًا مِنَ الْمَنَازِلِ فَقَالَ: «إِنَّكُمْ قَدْ دَنَوْتُمْ مِنْ عَدُوِّكُمْ وَالْفِطْرُ أَقْوَى لَكُمْ»، فَأَصْبَحْنَا، مِنَّا الصَّائِمُ، وَمِنَّا الْمُفْطِرُ. قَالَ: ثُمَّ سِرْنَا فَتَرَلْنَا مَنْزِلًا، فَقَالَ: «إِنَّكُمْ تُصَبِّحُونَ عَدُوِّكُمْ، وَالْفِطْرُ أَقْوَى لَكُمْ فَأَفْطِرُوا» فَكَانَتْ عَزِيمَةً مِنْ رَسُولِ اللَّهِ ﷺ. قَالَ أَبُو سَعِيدٍ: ثُمَّ لَقَدْ رَأَيْتُنِي أَصُومُ مَعَ النَّبِيِّ ﷺ قَبْلَ ذَلِكَ وَبَعْدَ ذَلِكَ.

تخريج: أخرجه مسلم، الصيام، باب أجر المفطر في السفر إذا تولى العمل، ح: ١١٢٠ من حديث معاوية بن صالح به.

Comments:

Fasting or not while on a journey is dependent on the individual's situation and judgment.

Chapter 43. The Preference To Break The Fast (While On A Journey)

(المعجم ٤٣) - بَابُ اخْتِيَارِ الْفِطْرِ

(التحفة ٤٣)

2407. It was reported from Jābir bin ‘Abdullāh that the Prophet ﷺ saw a man being shaded while surrounded by a crowd of people. He said: “It is not part of righteousness to fast on a journey.” (*Ṣaḥīḥ*)

٢٤٠٧ - حَدَّثَنَا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ: حَدَّثَنَا شُعْبَةُ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ يَعْنِي ابْنَ سَعْدٍ بْنِ زُرَّارَةَ، عَنْ مُحَمَّدِ بْنِ عَمْرٍو بْنِ حَسَنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ النَّبِيَّ ﷺ رَأَى رَجُلًا يَظْلُلُ عَلَيْهِ وَالرَّحَامُ عَلَيْهِ، فَقَالَ: «لَيْسَ مِنَ الْبِرِّ الصَّيَامُ فِي السَّفَرِ».

تخريج: أخرجه البخاري، الصوم، باب قول النبي ﷺ لمن ظل عليه واشتد الحر...، ح: ١٩٤٦ ومسلم، الصيام، باب جواز الصوم واللفطر في شهر رمضان للمسافر في غير معصية... إلخ، ح: ١١١٥ من حديث شعبة به.

2408. Ibn Sawādah Al-Qushairi narrated from Anas bin Mālik — a man from Banū ‘Abdullāh bin Ka'b, brethren of Banū Qushair — who said: “A contingent from the cavalry of the Messenger of Allāh ﷺ raided us. I reached,” or he said: “I went to the Messenger of Allāh ﷺ while he was taking his meal. He said: ‘Sit down and share some of this meal of ours.’ I said: ‘I am fasting.’ He said: ‘Sit down, I will tell you about *Ṣalāt* and about fasting. Allāh has remitted a portion of the prayer, or half of the prayer, and fasting from a traveler, and a suckling mother, or pregnant woman.’ By Allāh! He mentioned both of them, or one.” He said: “I regretted not eating from the meal of the Messenger of Allāh ﷺ.” (*Ḥasan*)

٢٤٠٨ - حَدَّثَنَا شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا أَبُو هِلَالٍ الرَّاسِيُّ: حَدَّثَنَا ابْنُ سَوَادَةَ الْقُشَيْرِيُّ عَنْ أَنَسِ بْنِ مَالِكٍ رَجُلٍ مِنْ بَنِي عَبْدِ اللَّهِ بْنِ كَعْبٍ إِخْوَةَ بَنِي قُشَيْرٍ: أَغَارَتْ عَلَيْنَا حَيْلٌ لِرَسُولِ اللَّهِ ﷺ فَانْتَهَيْتُ، أَوْ قَالَ: فَانْطَلَقْتُ إِلَى رَسُولِ اللَّهِ ﷺ وَهُوَ يَأْكُلُ فَقَالَ: «اجْلِسْ فَأَصِيبْ مِنْ طَعَامِنَا هَذَا»، فَقُلْتُ: إِنِّي صَائِمٌ، قَالَ: «اجْلِسْ أُحَدِّثُكَ عَنِ الصَّلَاةِ وَعَنِ الصَّيَامِ، إِنَّ اللَّهَ وَضَعَ شَطْرَ الصَّلَاةِ، أَوْ نِصْفَ الصَّلَاةِ، وَالصَّوْمَ عَنِ الْمُسَافِرِ، وَعَنِ الْمُرْضِعِ أَوْ الْحَبْلَى» وَاللَّهُ! لَقَدْ قَالَهُمَا جَمِيعًا أَوْ أَحَدَهُمَا. قَالَ: فَتَلَهَّفْتُ نَفْسِي أَنْ لَا أَكُونَ أَكَلْتُ مِنْ طَعَامِ رَسُولِ اللَّهِ ﷺ.

تخريج: [حسن] أخرجه الترمذي، الصوم، باب ما جاء في الرخصة في الإفطار للحبلى والمرضع، ح: ٧١٥ من حديث أبي هلال الراسي به وقال: "حسن" وصححه ابن خزيمة،

ح: ٢٠٤٤ * ورواه وهيب بن خالد وغيره عن ابن سودة به.

Chapter 44. Whoever Preferred To Fast (While On A Journey)

(المعجم ٤٤) - بَابُ مَنْ اخْتَارَ الصَّيَامَ

(التحفة ٤٤)

2409. Abū Ad-Dardā' said: "We accompanied the Messenger of Allāh ﷺ in one of his battles during extreme heat. It was so hot that we used to put our hands on our head or our palms on our head. Nobody among us was fasting except the Messenger of Allāh ﷺ and 'Abdullāh bin Rawāḥah. (Ṣaḥīḥ)

٢٤٠٩ - حَدَّثَنَا مُؤَمَّلُ بْنُ الْفَضْلِ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا سَعِيدُ بْنُ عَبْدِ الْعَزِيزِ: حَدَّثَنِي إِسْمَاعِيلُ بْنُ عُبَيْدِ اللَّهِ: حَدَّثَنِي أُمُّ الدَّرْدَاءِ عَنْ أَبِي الدَّرْدَاءِ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي بَعْضِ غَزَوَاتِهِ فِي حَرٍّ شَدِيدٍ حَتَّى إِنْ أَحَدًا لَيَضَعُ يَدَهُ عَلَى رَأْسِهِ أَوْ كَفَّهُ عَلَى رَأْسِهِ مِنْ شِدَّةِ الْحَرِّ مَا فِينَا صَائِمٌ إِلَّا رَسُولُ اللَّهِ ﷺ وَعَبْدُ اللَّهِ بْنُ رَوَاحَةَ.

تخريج: أخرجه مسلم، الصيام، باب التخيير في الصوم والفطر في السفر، ح: ١١٢٢ من حديث الوليد بن مسلم، والبخاري، الصوم، باب: ٣٥ بعد باب: إذا صام أياماً من رمضان ثم سافر، ح: ١٩٤٥ من حديث إسماعيل بن عبيد الله به.

2410. Sinān bin Salamah bin Al-Muḥabbaq Al-Hudhalī reported from his father, who said: "The Messenger of Allāh ﷺ said: 'If anyone has a riding beast which can carry him to where he can get sufficient food, then let him fast Ramaḍān, wherever he is when it (Ramaḍān) reaches him.'" (Daʿīf)

٢٤١٠ - حَدَّثَنَا حَامِدُ بْنُ يَحْيَى: حَدَّثَنَا هَاشِمُ بْنُ الْقَاسِمِ، ح: وَحَدَّثَنَا عُقْبَةُ بْنُ مُكْرَمٍ: حَدَّثَنَا أَبُو قُتَيْبَةَ الْمَعْنَى قَالَ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ حَبِيبٍ بْنُ عَبْدِ اللَّهِ الْأَزْدِيُّ، قَالَ: حَدَّثَنِي حَبِيبُ بْنُ عَبْدِ اللَّهِ، قَالَ: سَمِعْتُ سِنَانَ بْنَ سَلَمَةَ بْنِ الْمُحَقِّقِ الْهُذَلِيَّ يُحَدِّثُ عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَتْ لَهُ حُمُولَةٌ تَأْوِي إِلَى شَيْعٍ فَلْيَصُمْ رَمَضَانَ حَيْثُ أَذْرَكَهُ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٧٦/٣ عن هاشم بن القاسم: أبي النضر به * عبد الصمد بن حبيب: ضعيف، ضعفه الجمهور وحبیب بن عبد الله: مجهول.

2411. It was reported from Salamah bin Al-Muḥabbaq, who said: "The Messenger of Allāh ﷺ

٢٤١١ - حَدَّثَنَا نَصْرُ بْنُ الْمُهَاجِرِ: حَدَّثَنَا عَبْدُ الصَّمَدِ يَعْنِي ابْنَ عَبْدِ الْوَارِثِ: حَدَّثَنَا

said: 'Whoever is on a journey when Ramadhan comes...' then he mentioned its meaning. (Da'if)

عَبْدُ الصَّمَدِ بْنُ حَبِيبٍ: حَدَّثَنِي أَبِي عَنْ سَيَّانِ بْنِ سَلَمَةَ، عَنْ سَلَمَةَ بْنِ الْمُحَبِّقِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَدْرَكَهُ رَمَضَانُ فِي السَّفَرِ» فَذَكَرَ مَعْنَاهُ.

تخريج: [ضعيف] أخرجه أحمد: ٧/٥ عن عبد الصمد بن عبد الوارث به وانظر الحديث السابق: ٢٤١٠.

Chapter 45. When Does The Traveler Break His Fast After Setting Out?

(المعجم ٤٥) بَابُ: مَتَى يُفْطِرُ الْمُسَافِرُ إِذَا خَرَجَ؟ (التحفة ٤٥)

2412. Ja'far (Ibn Musāfir) said: ('Ubaid Ibn) Jubair said: Kulaib bin Dhuhl Al-Ḥaḍramī narrated from 'Ubaid (Ibn Jabr), he said: "I accompanied Abū Baṣrah Al-Ghifārī, a Companion of the Messenger of Allāh ﷺ, on a ship departing from Al-Fuṣṭāt during the month of Ramaḍān. He boarded the ship, and then his meal was served." — in his narration, (one of the narrators) Ja'far said: "He did not go beyond the houses, but asked for dinning sheet." — "He said: 'Come forward.' I said: 'Do you not see the houses?' Abū Baṣrah said: 'Do you object to the *Sunnah* of the Messenger of Allāh ﷺ?'" — Ja'far said in his version: "Then he ate." (Da'if)

٢٤١٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ يَزِيدَ، ح: وَحَدَّثَنَا جَعْفَرُ بْنُ مُسَافِرٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَحْيَى الْمَعْنَى: حَدَّثَنِي سَعِيدُ بْنُ أَبِي أَيُّوبَ - زَادَ جَعْفَرُ وَاللَّيْثُ - قَالَ: حَدَّثَنِي يَزِيدُ بْنُ أَبِي حَبِيبٍ أَنَّ كُلَيْبَ بْنَ ذُهْلٍ الْحَضْرَمِيَّ أَخْبَرَهُ عَنْ عَبْدِ - قَالَ جَعْفَرُ: ابْنُ جَبْرِ - قَالَ: كُنْتُ مَعَ أَبِي بَصْرَةَ الْغِفَارِيِّ صَاحِبِ رَسُولِ اللَّهِ ﷺ فِي سَفِينَةٍ مِنَ الْفُسْطَاطِ فِي رَمَضَانَ، فَرَفَعَ ثُمَّ قَرَّبَ غَدَاؤَهُ قَالَ جَعْفَرُ فِي حَدِيثِهِ فَلَمْ يُجَاوِزِ الْبُيُوتَ حَتَّى دَعَا بِالسَّفَرَةِ، قَالَ: اقْتَرِبْ، قُلْتُ: أَلَسْتَ تَرَى الْبُيُوتَ؟ قَالَ أَبُو بَصْرَةَ: أَتَرَعَبْتُ عَنْ سُنَّةِ رَسُولِ اللَّهِ ﷺ؟ قَالَ جَعْفَرُ فِي حَدِيثِهِ فَأَكَلَ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٣٩٨/٦ من حديث سعيد بن أبي أيوب به وأعله ابن خزيمة، ح: ٢٠٤٠ * كليب مستور، لم يوثقه غير ابن حبان، وقال ابن خزيمة لا أعرفه بعدالة.

Comments:

It is allowed to break the fast as soon as the journey begins. Reaching a certain distance from home is not a condition for availing oneself of the concession.

Chapter 46. The Extent Of The Distance For Breaking The Fast

2413. It was reported from Manṣūr Al-Kalbī, that once Dīḥyah bin Khalīfah left from a village of Damascus a distance as much as is between the village of ‘Aqabah and Al-Fuṣṭāt in Ramaḍān, and that is three miles. He then broke his fast, and some people broke their fast along with him, but some of them did not like to break their fast. When he returned to his village, he said: “By Allāh! Today I saw something which I never dreamt of seeing. Some people detested the guidance of the Messenger of Allāh ﷺ and his Companions,” addressing it to those who fasted. He then said: “O Allāh! Take me to You!” (*Hasan*)

(المعجم ٤٦) - بَابُ قَدْرِ مَسِيرَةِ مَا يُفْطَرُ فِيهِ (التحفة ٤٦)

٢٤١٣ - حَدَّثَنَا عِيسَى بْنُ حَمَّادٍ: أَخْبَرَنَا اللَّيْثُ يَغْنِي ابْنَ سَعْدٍ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ مَنْصُورِ الْكَلْبِيِّ: أَنَّ دِحْيَةَ بْنَ خَلِيفَةَ خَرَجَ مِنْ قَرْيَةٍ مِنْ دِمَشَقَ مَرَّةً إِلَى قَدْرِ قَرْيَةٍ عَقَبَهُ مِنَ الْمُسْطَاطِ، وَذَلِكَ ثَلَاثَةُ أَمْيَالٍ، فِي رَمَضَانَ، ثُمَّ إِنَّهُ أَفْطَرَ وَأَفْطَرَ مَعَهُ نَاسٌ، وَكَرِهَ آخَرُونَ أَنْ يُفْطَرُوا، فَلَمَّا رَجَعَ إِلَى قَرْيَتِهِ قَالَ: وَاللَّهِ! لَقَدْ رَأَيْتُ الْيَوْمَ أَمْرًا مَا كُنْتُ أَظُنُّ أَنِّي أَرَاهُ: أَنَّ قَوْمًا رَعَبُوا عَنْ هَذِي رَسُولِ اللَّهِ ﷺ وَأَصْحَابِهِ يَقُولُ ذَلِكَ لِلَّذِينَ صَامُوا، ثُمَّ قَالَ عِنْدَ ذَلِكَ: اللَّهُمَّ! اقْبِضْني إِلَيْكَ.

تخريج: [إسناده حسن] أخرجه أحمد: ٣٩٨/٦ من حديث الليث بن سعد به وشك فيه ابن خزيمة، ح: ٢٠٤١ * منصور الكلبي وثقه العجلي وابن حبان: ٤٢٩/٥.

2414. It was reported from Nāfi‘, who said: “Ibn ‘Umar used to leave to go to Al-Ghābah (a place near Al-Madīnah). He would not break his fast, neither would he shorten his Ṣalāt.” (*Ṣaḥīḥ*)

٢٤١٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ: أَنَّ ابْنَ عُمَرَ كَانَ يَخْرُجُ إِلَى الْغَابَةِ فَلَا يُفْطِرُ وَلَا يَقْصُرُ.

تخريج: [إسناده صحيح] أخرجه البيهقي: ٢٤١/٤ من حديث أبي داود به.

Comments:

‘Aqabah is a place at a distance of about twenty-two km. from Al-Madīnah towards Syria, and as such both breaking the fast and performing the shortened Ṣalāt are allowable at such distance.

Chapter 47. Whoever Said: “Indeed I Fasted All Of Ramaḍān”

2415. Abū Bakrah said: “The Messenger of Allāh ﷺ said: ‘One of you should not say: ‘Indeed I fasted all of Ramaḍān, and stood (in the voluntary night prayer) for all of Ramaḍān.’” (*Daʿīf*)

He (Al-Ḥasan, one of the narrators) said: “I do not know whether he disliked the sanctification of (saying) that, or he said: ‘He must have slept or rested.’”

(المعجم ٤٧) - بَابُ مَنْ يَقُولُ: صُمْتُ رَمَضَانَ كُلَّهُ (التحفة ٤٧)

٢٤١٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ الْمُهَلَّبِ بْنِ أَبِي حَبِيبَةَ: حَدَّثَنَا الْحَسَنُ عَنْ أَبِي بَكْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَقُولَنَّ أَحَدُكُمْ إِنِّي صُمْتُ رَمَضَانَ كُلَّهُ وَقُمْتُهُ كُلَّهُ» فَلَا أَذْرِي أَكْرَهَ التَّزْكِيَةِ أَوْ قَالَ: لَا بُدَّ مِنْ نَوْمَةٍ أَوْ رَقْدَةٍ؟.

تخريج: [إسناده ضعيف] أخرجه النسائي، الصيام، باب الرخصة في أن يقال لشهر رمضان رمضان، ح: ٢١١١ من حديث يحيى القطان به وصححه ابن حبان، ح: ٩١٥ * الحسن البصري: عن.

Chapter 48. Regarding Fasting On The Two ‘Eid

2416. It was reported from Abū ‘Ubaid, who said: “I attended the ‘Eid with ‘Umar. He began with the Ṣalāt before the sermon, and then said: ‘The Messenger of Allāh ﷺ prohibited us from fasting on these two days. As for the Day of *Al-Adhā*, then it is when you eat the meat of your sacrificed animals, and as for the Day of *Al-Fiṭr* it is the breaking of your fast.’” (*Ṣaḥīḥ*)

(المعجم ٤٨) بَابُ: فِي صَوْمِ الْعِيدَيْنِ (التحفة ٤٨)

٢٤١٦ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَزُهَيْرُ بْنُ حَرْبٍ وَهَذَا حَدِيثُهُ قَالَا: حَدَّثَنَا سُفْيَانُ عَنْ الزُّهْرِيِّ، عَنْ أَبِي عُبَيْدٍ قَالَ: شَهِدْتُ الْعِيدَ مَعَ عُمَرَ، فَبَدَأَ بِالصَّلَاةِ قَبْلَ الْخُطْبَةِ ثُمَّ قَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ صِيَامِ هَذَيْنِ الْيَوْمَيْنِ: أَمَّا يَوْمُ الْأَضْحَى، فَتَأْكُلُونَ مِنْ لَحْمِ نَسِكِكُمْ وَأَمَّا يَوْمُ الْفِطْرِ فَيَفْطِرُكُمْ مِنْ صِيَامِكُمْ.

تخريج: أخرجه مسلم، الصيام، باب تحريم صوم يومي العیدین، ح: ١١٣٧ والبخاري، الصوم، باب صوم يوم الفطر، ح: ١٩٩٠ من حديث الزهري به.

2417. It was reported from Abū Sa‘eed Al-*Khudrī*, who said: “The Messenger of Allāh prohibited

٢٤١٧ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا وَهْبٌ: حَدَّثَنَا عَمْرُو بْنُ يَحْيَى عَنْ

fasting on two days: On the Day of *Al-Fiṭr* and *Al-Aḍḥā*, and (he prohibited) two kinds of clothes: *Aṣ-Ṣammā*, and for a man to sit with his legs drawn up in a single garment (*Al-Iḥtibā*'), and (he prohibited from) *Ṣalāt* during two hours: After *Aṣ-Subḥ*, and after *Al-ʿAṣr*." (*Ṣaḥīḥ*)

أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ صِيَامِ يَوْمَيْنِ: يَوْمِ الْفِطْرِ وَيَوْمِ الْأَضْحَى، وَعَنْ لَيْسَتَيْنِ: الصَّمَاءِ وَأَنْ يَحْتَبِيَ الرَّجُلُ فِي الثَّوْبِ الْوَاحِدِ، وَعَنْ الصَّلَاةِ فِي سَاعَتَيْنِ: بَعْدَ الصُّبْحِ وَبَعْدَ الْعَصْرِ.

تخريج: أخرجه البخاري، الصوم، باب صوم يوم الفطر، ح: ١٩٩٢، ١٩٩١ من حديث وهيب ومسلم، الصيام، باب تحريم صوم يومي العيدين، ح: ٨٢٧/١٤٠ بعد، ح: ١١٣٨ من حديث عمرو بن يحيى به.

Comments:

The three days after *ʿEid Al-Aḍḥā* (meaning the 11th, 12th, and 13th of *Dhul-Hijjah*) are known as the Days of *Tashrīq* and especially for those performing *Hajj*; the Days of *Minā*. The reason why they are called Days of "*Tashrīq*" is because the dried pieces of the flesh of sacrificial animals appear shining in the sun during these days.

Chapter 49. Fasting The Days Of *At-Tashrīq*

(المعجم ٤٩) - بَابُ صِيَامِ أَيَّامِ التَّشْرِيقِ
(التحفة ٤٩)

2418. It was reported from Mālik, from Yazīd bin Al-Hād, from Abū Murrāh, the freed slave of Umm Hanī, that he entered along with 'Abdullāh bin 'Amr upon his father, 'Amr bin Al-ʿĀs. He served the two of them some food, and said: "Eat." He said: "I am fasting." 'Amr said: "Eat, as these are the days in which the Messenger of Allāh ﷺ ordered us to eat our meals and prohibited us from fasting." Mālik said: They were the days of *Tashrīq*. (*Ṣaḥīḥ*)

٢٤١٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقُعْنَبِيُّ عَنْ مَالِكٍ، عَنْ يَزِيدَ بْنِ الْهَادِ، عَنْ أَبِي مُرَّةٍ مَوْلَى أُمِّ هَانِيٍّ: أَنَّهُ دَخَلَ مَعَ عَبْدِ اللَّهِ بْنِ عَمْرٍو عَلَى أَبِيهِ عَمْرٍو بْنِ الْعَاصِ، فَقَرَّبَ إِلَيْهِمَا طَعَامًا فَقَالَ: كُلْ قَالَ: إِنِّي صَائِمٌ، فَقَالَ عَمْرٍو: كُلْ فَهَذِهِ الْأَيَّامُ الَّتِي كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنَا بِإِفْطَارِهَا وَيَنْهَى عَنْ صِيَامِهَا. قَالَ مَالِكٌ: وَهِيَ أَيَّامُ التَّشْرِيقِ.

تخريج: [إسناده صحيح] أخرجه أحمد: ١٩٧/٤ من حديث مالك به وهو في الموطأ (يحيى): ٣٧٦/١، ٣٧٧ (أبو مصعب: ١٣٦٩) وصححه ابن خزيمة، ح: ٢١٤٩ والحاكم: ٤٣٥/١ ووافقه الذهبي.

2419. ‘Uqbah bin ‘Āmir said: “The Messenger of Allāh ﷺ said: ‘The day of ‘Arafah, the day of *Nahr* (sacrifice) and the days of *Tashriq* are the days of celebration for us, the people of Islam, and they are days of eating and drinking.’” (*Hasan*)

٢٤١٩ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا وَهْبٌ: حَدَّثَنَا مُوسَى بْنُ عَلِيٍّ، ح: وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ مُوسَى بْنِ عَلِيٍّ وَالْإِجْبَارُ فِي حَدِيثِ وَهْبٍ، قَالَ: سَمِعْتُ أَبِي: أَنَّهُ سَمِعَ عُقْبَةَ بْنَ غَامِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يَوْمَ عَرَفَةَ وَيَوْمَ النَّحْرِ أَيَّامٌ أَلْيَمُ النَّسْرِيِّ عَيْدُنَا أَهْلَ الْإِسْلَامِ وَهِيَ أَيَّامٌ أَكُلَ وَشَرِبَ».

تخريج: [إسناده حسن] أخرجه الترمذي، الصوم، باب ما جاء في كراهية صوم أيام التشريق، ح: ٧٧٣ من حديث وكيع به وقال: "حسن صحيح" ورواه النسائي، ح: ٣٠٠٧.

Comments:

The Days of *Tashriq* are in fact part of ‘Eid Al-Adha. In general, it is not allowed to observe optional fasts during these days. Nevertheless, for a person who is performing *Hajj At-Tamattu’* and does not have the capacity to offer an animal in sacrifice, the rule is that he has to observe ten compensatory fasts — three during the period of *Hajj* and seven on reaching back home. Such a person is allowed to fast three days during the Days of *Tashriq*. See no. 1999 of *Al-Bukhārī*.

Chapter 50. The Prohibition Of Specifying Friday For Fasting

2420. Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘Do not fast on Friday, unless you fast a day before or after it.’” (*Ṣaḥīḥ*)

(المعجم ٥٠) - بَابُ النَّهْيِ أَنْ يُخَصَّصَ يَوْمُ الْجُمُعَةِ بِصَوْمٍ (التحفة ٥٠)

٢٤٢٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَصُومُ أَحَدُكُمْ يَوْمَ الْجُمُعَةِ إِلَّا أَنْ يَصُومَ قَبْلَهُ يَوْمٍ أَوْ بَعْدَهُ».

تخريج: أخرجه مسلم، الصيام، باب كراهة إفراد يوم الجمعة بصوم لا يوافق عاداته، ح: ١١٤٤ من حديث أبي معاوية والضرب والبخاري، الصوم، باب صوم يوم الجمعة ... إلخ، ح: ١٩٨٥ من حديث الأعمش به.

Chapter 51. The Prohibition Of Specifying Saturday For Fasting

2421. ‘Abdullāh bin Busr As-Sulamī reported from his sister, — (one of the narrators) Yazīd said: (His sister’s name is) Aṣ-Ṣammā’ — that the Prophet ﷺ said: “Do not fast on Saturday, except what has been made obligatory on you. If one of you cannot find anything but a skin of a grape, or a piece of wood from a tree, then let him chew it.” (*Hasan*)

Abū Dāwud said: This *Hadīth* is abrogated.

(Abū Dāwud said: ‘Abdullāh bin Busr is from Hims, and this *Hadīth* is abrogated by the *Hadīth* of Juwairiyah.)

تخريج: [إسناده حسن] أخرجه الترمذي، الصوم، باب ما جاء في صوم يوم السبت، ح: ٧٤٤ وابن ماجه، ح: ١٧٢٦ عن حميد بن مسعدة به وقال الترمذي: "حسن".

Comments:

The majority of the scholars consider it disliked to single out Saturday for fasting by itself.

Chapter 52. The Permission For That

2422. It was reported from Juwairiyah bint Al-Hārith, that the Prophet ﷺ entered upon her on Friday while she was fasting. He said: “Did you fast yesterday?” She said: “No.” He said: “Do you intend to fast tomorrow?” She said: “No.” He said: “Then break your fast.” (*Ṣaḥīḥ*)

(المعجم ٥١) - بَابُ النَّهْيِ أَنْ يُخَصَّ يَوْمُ السَّبْتِ بِصَوْمٍ (التحفة ٥١)

٢٤٢١ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا سُفْيَانُ بْنُ حَبِيبٍ؛ ح: وَحَدَّثَنَا يَزِيدُ بْنُ قُبَيْسٍ مِنْ أَهْلِ جَبَلَةَ: حَدَّثَنَا الْوَلِيدُ جَمِيعًا عَنْ ثَوْرِ ابْنِ يَزِيدَ، عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ عَبْدِ اللَّهِ ابْنِ بُسْرِ السُّلَمِيِّ، عَنْ أُخْتِهِ - وَقَالَ يَزِيدُ: الصَّامَاءُ - أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا تَصُومُوا يَوْمَ السَّبْتِ إِلَّا فِيمَا افْتَرَضَ عَلَيْكُمْ وَإِنْ لَمْ يَجِدْ أَحَدُكُمْ إِلَّا لِحَاءَ عِنَبٍ أَوْ عُودَ شَجَرَةٍ فَلْيَمْضَعْهُ».

قَالَ أَبُو دَاوُدَ: هَذَا الْحَدِيثُ مَشْهُوحٌ.
[قَالَ أَبُو دَاوُدَ: عَبْدُ اللَّهِ بْنُ بُسْرِ حِمَصِيٌّ] وَهَذَا الْحَدِيثُ مَشْهُوحٌ، نَسَخَهُ حَدِيثُ جُوَيْرِيَةَ.

(المعجم ٥٢) - بَابُ الرُّخْصَةِ فِي ذَلِكَ (التحفة ٥٢)

٢٤٢٢ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا هَمَّامٌ عَنْ قَتَادَةَ؛ ح: وَحَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ عَنْ أَبِي أَيُّوبَ - قَالَ حَفْصُ الْعَتَكِيِّ -، عَنْ جُوَيْرِيَةَ بِنْتِ الْحَارِثِ: أَنَّ النَّبِيَّ ﷺ دَخَلَ عَلَيْهَا يَوْمَ الْجُمُعَةِ وَهِيَ صَائِمَةٌ. قَالَ: «أَصُمْتَ

أَمْسِي؟» قَالَتْ: لَا، قَالَ: «تُرِيدِينَ أَنْ تَصُومِي غَدًا؟» قَالَتْ: لَا، قَالَ: «فَأَفْطِرِي».

تخريج: أخرجه البخاري، الصوم، باب صوم يوم الجمعة وإذا أصبح صائمًا ... إلخ، ح: ١٩٨٦ من حديث قتادة به.

2423. It was reported from Ibn Wahb who said: "I heard Al-Laith saying: 'Whenever it was mentioned to Ibn Shihāb that it is prohibited to fast on Saturday, he would say: "This is a *Himṣī Hadīth*.'" (*Ṣaḥīḥ*)

٢٤٢٣ - حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ شُعَيْبٍ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: سَمِعْتُ اللَّيْثَ يُحَدِّثُ عَنْ ابْنِ شِهَابٍ: أَنَّهُ كَانَ إِذَا ذُكِرَ لَهُ أَنَّهُ نَهَى عَنْ صِيَامِ يَوْمِ السَّبْتِ. يَقُولُ ابْنُ شِهَابٍ: هَذَا حَدِيثٌ حِمَصِيٌّ.

تخريج: [إسناده صحيح] تقدم تخريجه، وانظر الحديث السابق: ٢٤٢١.

2424. It was reported from Al-Walīd, from Al-Awzā'i, who said: "I did not cease from hiding it, until it started to spread." Meaning the *Hadīth* of Ibn Busr about fasting on Saturday.^[1] (*Da'if*)

Abū Dāwud said: Mālik said: "This is a lie."^[2]

٢٤٢٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ بْنِ سُفْيَانَ: حَدَّثَنَا الْوَلِيدُ عَنْ الْأَوْزَاعِيِّ قَالَ: مَا زِلْتُ لَهُ كَاتِمًا حَتَّى رَأَيْتُهُ انْتَشَرَ يَعْنِي حَدِيثَ ابْنِ بُسْرِ هَذَا فِي صَوْمِ يَوْمِ السَّبْتِ. قَالَ أَبُو دَاوُدَ: قَالَ مَالِكٌ: هَذَا كَذِبٌ.

تخريج: [إسناده ضعيف] * الوليد بن مسلم: عن عن قول مالك لم يثبت عنه لانتقاعه، أبو داود لم يدرك مالكا.

Chapter 53. Regarding Continuous Voluntary Fasting

(المعجم ٥٣) بَابُ: فِي صَوْمِ الدَّهْرِ تَطَوُّعًا (التحفة ٥٣)

2425. It was reported from 'Abdullāh bin Ma'bad Az-Zimmānī, from Abū Qatādah who said: "A man came to the Prophet ﷺ and said: 'O Messenger of Allāh! How do you fast?' The

٢٤٢٥ - حَدَّثَنَا شُلَيْمَانُ بْنُ حَرْبٍ وَمُسَدَّدٌ قَالَا: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ غَبْلَانَ بْنِ جَرِيرٍ، عَنْ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ الزَّمَانِيِّ، عَنْ أَبِي قَتَادَةَ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ فَقَالَ:

[1] It appears to mean he was not narrating it, considering it to be not correct, but later he would narrate that he heard it, after he found it was being spread about.

[2] Meaning, the *Hadīth* of 'Abdullāh bin Busr, no. 2421.

Messenger of Allāh ﷺ got angry at what he said. When ‘Umar observed this (his anger), he said: ‘We are satisfied with Allāh as our Lord, Islam as our religion and Muḥammad as our Prophet. We seek refuge in Allāh from the anger of Allāh and the anger of His Messenger.’ Umar kept on repeating these words until the anger of Prophet ﷺ receded. He then said: ‘O Messenger of Allāh! What about a person who fasts continuously?’ He said: ‘He is neither fasting, nor breaking fast.’ — in his narration, Musad-dad said: “He has never fasted nor broke his fast, or; he has neither fasted, nor broke fast.” Ghailān (one of the narrators) was in doubt. — “He said: ‘O Messenger of Allāh! What about a person who fasts two days, and does not fast one day?’ He said: ‘Is there anybody who can do that?’ He said: ‘O Messenger of Allāh! What about a person who fasts for a day, and breaks his fast for a day?’ He said: ‘That is the fast of Dāwud.’ He said: ‘O Messenger of Allāh! What about a person who fasts for a day and breaks his fast for two days?’ He said: ‘I wish I could do that.’ Then the Messenger of Allāh ﷺ said: ‘(Fasting) three days from every month, and Ramaḍān to Ramaḍān, this is fasting all the time. And fasting the Day of ‘Arafah; I hope from Allāh that it may expiate for (the sins of) the preceding and the following year. And fasting the Day of ‘Ashūrā’, I

يَا رَسُولَ اللَّهِ! كَيْفَ تَصُومُ؟ فَغَضِبَ رَسُولُ اللَّهِ ﷺ مِنْ قَوْلِهِ، فَلَمَّا رَأَى ذَلِكَ عَمَرُ قَالَ: رَضِينَا بِاللَّهِ رَبًّا وَبِالإِسْلَامِ دِينًا وَبِمُحَمَّدٍ نَبِيًّا، نَعُوذُ بِاللَّهِ مِنْ غَضَبِ اللَّهِ وَغَضَبِ رَسُولِهِ، فَلَمْ يَزَلْ عَمَرُ يُرَدِّدُهَا حَتَّى سَكَنَ غَضَبُ النَّبِيِّ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! كَيْفَ يَمَنُ يَصُومُ الدَّهْرَ كُلَّهُ؟ قَالَ: «لَا صَامَ وَلَا أَفْطَرَ». قَالَ مُسَدَّدٌ: «لَمْ يَصُمْ وَلَمْ يُفْطِرْ - أَوْ - مَا صَامَ وَلَا أَفْطَرَ» - شَكَّ غَيْلَانٌ - قَالَ: يَا رَسُولَ اللَّهِ! كَيْفَ يَمَنُ يَصُومُ يَوْمَيْنِ وَيُفْطِرُ يَوْمًا؟ قَالَ: «أَوْ يُطِيقُ ذَلِكَ أَحَدٌ؟» قَالَ: يَا رَسُولَ اللَّهِ! فَكَيْفَ يَمَنُ يَصُومُ يَوْمًا وَيُفْطِرُ يَوْمًا؟ قَالَ: «ذَاكَ صَوْمُ دَاوُدَ». قَالَ: يَا رَسُولَ اللَّهِ! فَكَيْفَ يَمَنُ يَصُومُ يَوْمًا وَيُفْطِرُ يَوْمَيْنِ؟ قَالَ: «وَدِدْتُ أَنِّي طُوِّقْتُ ذَلِكَ»، ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثٌ مِنْ كُلِّ شَهْرٍ وَرَمَضَانُ إِلَى رَمَضَانَ، فَهَذَا صِيَامُ الدَّهْرِ كُلِّهِ. وَصِيَامُ عَرَفَةَ إِنِّي أَحْتَسِبُ عَلَى اللَّهِ أَنْ يُكَفِّرَ السَّنَةَ الَّتِي قَبْلَهُ وَالسَّنَةَ الَّتِي بَعْدَهُ، وَصَوْمُ يَوْمِ عَاشُورَاءَ، إِنِّي أَحْتَسِبُ عَلَى اللَّهِ أَنْ يُكَفِّرَ السَّنَةَ الَّتِي قَبْلَهُ».

hope from Allāh that it may atone for the sins of the preceding year.”

(*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الصيام، باب استحباب صيام ثلاثة أيام من كل شهر ... إلخ، ح: ١١٦٢ من حديث غيلان بن جرير به.

2426. (Another chain) from ‘Abdullāh bin Ma‘bad Az-Zimmānī, from Abū Qatādah, with this *Ḥadīth*. He added: “He said: ‘O Messenger of Allāh! What about fasting on Monday and Thursday?’ He said: ‘I was born on it (Monday), and on it (Monday) the Qur’ān was (first) revealed to me.’” (*Ṣaḥīḥ*)

تخريج: [صحيح] أخرجه البيهقي في شعب الإيمان، ح: ٣٨٤٥ من حديث أبي داود به.

2427. It was reported from ‘Abdullāh bin ‘Amr bin Al-Ās, who said: “The Messenger of Allāh ﷺ met me and said: ‘Have I not been informed that you said: “I will pray the whole night and fast during the day?”’ — He (one of the narrators) said: “I think he said: ‘Yes O Messenger of Allāh! I did say that.’” — “He (ﷺ) said: ‘Stand (in prayer at night) and sleep, fast and break your fast, and fast from each month three days, and that is equivalent to fasting all the time.’” He said: “I said: ‘O Messenger of Allāh! I can do more than that.’ He said: ‘Then fast for a day and break fast for two days.’” He said: “I said: ‘I can do more than that.’ He said: ‘Then fast one day, and break fast one day; it is the most just fast, and it is the fast of Dāwud.’ I said: ‘I can do more than that.’ The Messenger of Allāh

٢٤٢٦ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ:

حَدَّثَنَا مَهْدِيُّ: حَدَّثَنَا غَيْلَانُ عَنْ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ الزَّيْمَانِيِّ، عَنْ أَبِي قَتَادَةَ بِهَذَا الْحَدِيثِ. زَادَ: قَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ صَوْمَ يَوْمِ الْاِثْنَيْنِ وَيَوْمِ الْخَمِيسِ؟ قَالَ: «فِيهِ وُلِدْتُ وَفِيهِ أُنْزِلَ عَلَيَّ الْقُرْآنُ».

٢٤٢٧ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا

عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ ابْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ الْعَاصِ قَالَ: لَقِيتُ رَسُولَ اللَّهِ ﷺ فَقَالَ: «أَلَمْ أُحَدِّثْ أَنَّكَ تَقُولُ: لِأَقُومَنَّ اللَّيْلَ وَلَا صُومَنَّ النَّهَارَ؟» قَالَ: أَحْبَبْتُهِ قَالَ: نَعَمْ يَا رَسُولَ اللَّهِ! قَدْ قُلْتُ ذَاكَ قَالَ: «فَمَنْ وَصَمَ وَصَمَ وَأَفْطَرَ وَصَمَ مِنْ كُلِّ شَهْرٍ ثَلَاثَةَ أَيَّامٍ وَذَاكَ مِثْلُ صِيَامِ الدَّهْرِ»، قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ. قَالَ: «فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمَيْنِ». قَالَ: قُلْتُ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ. قَالَ: «فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمًا، وَهُوَ أَغْدَلُ الصَّيَامِ وَهُوَ صِيَامُ دَاوُدَ». قُلْتُ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا أَفْضَلَ مِنْ ذَلِكَ».

ﷺ said: "There is no fast better than that." (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الصوم، باب صوم الدهر، ح: ١٩٧٦ ومسلم، الصيام، باب النهي عن صوم الدهر لمن تضرر به ... إلخ، ح: ١١٥٩ من حديث الزهري به وهو في مصنف عبدالرزاق، ح: ٧٨٦٢.

Chapter 54. Regarding Fasting In The Sacred Months

2428. It was reported from Mujībah Al-Bāhiliyyah, from her father, or her paternal uncle, that he came to the Messenger of Allāh ﷺ, then he left and returned after one year when his condition and appearance had changed. He said: "O Messenger of Allāh! Do you not recognize me?" He said: "And who are you?" He said: I am Al-Bāhili, who came to you last year." He said: "What made you change, you used to be good in appearance?" I said: "I have not eaten food since I left you, except at night." The Messenger of Allāh ﷺ said: "Why did you torture yourself?" Then he said: "Fast the month of patience (Ramaḍān) and one day from each month." He said: "Increase for me, for I have more power." He said: "Fast for two days." He said: "Increase for me." He said: "Fast for three days". He said: "Increase for me." He said: "Fast during the sacred months and (then) leave it, fast during the sacred months and (then) leave it, fast during the sacred months, and (then) leave it." He indicated by his three fingers, he joined them, and then opened them, (indicating to fast at

(المعجم ٥٤) بَابُ: فِي صَوْمِ أَشْهُرِ الْحُرُمِ (التحفة ٥٤)

٢٤٢٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ سَعِيدِ الْجُرَيْرِيِّ، عَنْ أَبِي السَّلِيلِ، عَنْ مُجِيبَةَ الْبَاهِلِيَّةِ، عَنْ أَبِيهَا أَوْ عَمِّهَا: أَنَّهُ أَتَى رَسُولَ اللَّهِ ﷺ، ثُمَّ انْطَلَقَ فَأَتَاهُ بَعْدَ سَنَةٍ وَقَدْ تَغَيَّرَتْ حَالُهُ وَهَيْئَتُهُ، فَقَالَ: يَا رَسُولَ اللَّهِ! أَمَا تَعْرِفُنِي؟ قَالَ: «وَمَنْ أَنْتَ؟» قَالَ: أَنَا الْبَاهِلِيُّ الَّذِي جِئْتُكَ عَامَ الْأَوَّلِ، قَالَ: «فَمَا غَيَّرَكَ وَقَدْ كُنْتَ حَسَنَ الْهَيْئَةِ؟» قُلْتُ: مَا أَكَلْتُ طَعَامًا مُنْذُ فَارَقْتُكَ إِلَّا بَلِيلًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لِمَ عَذَّبْتَ نَفْسَكَ؟» ثُمَّ قَالَ: «صُمْ شَهْرَ الصَّبْرِ وَيَوْمًا مِنْ كُلِّ شَهْرٍ»، قَالَ: «زِدْنِي فَإِنَّ بِي قُوَّةً»، قَالَ: «صُمْ يَوْمَيْنِ»، قَالَ: زِدْنِي، قَالَ: «صُمْ ثَلَاثَةَ أَيَّامٍ»، قَالَ: زِدْنِي، قَالَ: «صُمْ مِنَ الْحُرْمِ وَانْتِرْكَ، صُمْ مِنَ الْحُرْمِ وَانْتِرْكَ، وَانْتِرْكَ، وَانْتِرْكَ، وَقَالَ بِأَصَابِعِهِ الثَّلَاثَةِ فَضَمَّهَا ثُمَّ أَرْسَلَهَا.

most three days continuously).

(*Da'if*)

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الصيام، باب صيام أشهر الحرم، ح: ١٧٤١ من حديث سعيد الجبري به * ينظر في حال مجيبة.

Comments:

The four sacred months are: Dhul-Qa'dah, Dhul-Hijjah, Muharram, and Rajab.

Chapter 55. Regarding Fasting In Muharram

(المعجم ٥٥) بَابُ: فِي صَوْمِ الْمُحَرَّمِ
(التحفة ٥٥)

2429. Abū Hurairah said: "The Messenger of Allāh ﷺ said: 'The most virtuous fast, after the month of Ramaḍān, Allāh's month Al-Muharram, and the most virtuous Ṣalāt after the obligatory Ṣalāt is prayer during the night.'"

In his narration, Qutaibah (one of the narrators) did not say: "month," he (merely) said: "Ramaḍān." (*Ṣaḥīḥ*)

٢٤٢٩ - حَدَّثَنَا مُسَدَّدٌ وَقُتَيْبَةُ بْنُ سَعِيدٍ قَالَا: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ أَبِي بَشِيرٍ، عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَفْضَلُ الصَّيَامِ بَعْدَ شَهْرِ رَمَضَانَ شَهْرُ اللَّهِ الْمُحَرَّمُ، وَإِنَّ أَفْضَلَ الصَّلَاةِ بَعْدَ الْمَفْرُوضَةِ صَلَاةٌ مِنَ اللَّيْلِ»، لَمْ يَقُلْ قُتَيْبَةُ: «شَهْرٌ» قَالَ: «رَمَضَانَ».

تخريج: أخرجه مسلم، الصيام، باب فضل صوم المحرم، ح: ١١٦٣ عن قتية به.

2430. It was reported from Uthman, meaning Ibn Ḥakīm, that he said: I asked Sa'eed bin Jubair about fasting during Rajab. He said: "Ibn 'Abbās informed me: 'The Messenger of Allāh ﷺ used to fast to such an extent that we would say (to ourselves): He will never break his fast. And he would go without fasting to such an extent that we would say: He will never fast.'" (*Ṣaḥīḥ*)

٢٤٣٠ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: أَخْبَرَنَا عِيسَى: حَدَّثَنَا عُثْمَانُ يَعْنِي ابْنَ حَكِيمٍ قَالَ: سَأَلْتُ سَعِيدَ بْنَ جُبَيْرٍ عَنْ صِيَامِ رَجَبٍ، فَقَالَ: أَخْبَرَنِي ابْنُ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَصُومُ حَتَّى نَقُولَ: لَا يُفْطِرُ، وَيَنْطِرُ حَتَّى نَقُولَ: لَا يَصُومُ.

تخريج: أخرجه مسلم، الصيام، باب صيام النبي ﷺ في غير رمضان ... إلخ، ح: ١١٥٧ عن إبراهيم بن موسى به واختصره البخاري، ح: ١٩٧١ من حديث سعيد بن جبير به.

Comments:

Rajab is one of the four sacred months, and it can be said in the light of this *Hadīth* that the Messenger of Allāh ﷺ fasted many days of this month. It may also mean that, like other months, in this month as well he fasted and did not fast, in turns. Thus there is no special ruling nor command concerning fasting during this month.

Chapter 56. Regarding Fasting In Sha'bān

(المعجم ٥٦) بَابُ: فِي صَوْمِ شَعْبَانَ

(التحفة ٥٦)

2431. ‘Āishah, may Allāh be pleased with her, said: “The most beloved of months to fast for the Messenger of Allāh ﷺ was Sha'bān, then he would join it with Ramaḍān.” [1] (*Ṣaḥīḥ*)

٢٤٣١ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ مُعَاوِيَةَ بْنِ صَالِحٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي قَيْسٍ،: سَمِعَ عَائِشَةَ [رَضِيَ اللَّهُ عَنْهَا] تَقُولُ: كَانَ أَحَبُّ الشُّهُورِ إِلَى رَسُولِ اللَّهِ ﷺ أَنْ يَصُومَهُ شَعْبَانُ ثُمَّ يَصِلَهُ رَمَضَانُ.

تخریج: [إسناده صحيح] أخرجه النسائي، الصيام، باب صوم النبي ﷺ بأبي هو وأمي وذكر اختلاف الناقلين للخبر في ذلك، ح: ٢٣٥٢ من حديث معاوية بن صالح به وهو في مسند أحمد: ١٨٨/٦.

Comments:

Sha'bān is a month of immense excellence. The Messenger of Allāh ﷺ was wont to fasting excessively in this month. He is also known to have said that the deeds of men are presented before Allāh in this month, and that he ﷺ also wished that his deeds were presented while he was fasting. (*Sunan An-Nasā'i*, no. 2359).

Chapter 57. Regarding Fasting In Shawwāl

(المعجم ٥٧) بَابُ: فِي صَوْمِ شَوَّالٍ

(التحفة ٥٧)

2432. ‘Ubaidullāh bin Muslim Al-Qurashī reported from his father: “I asked” — or “the Prophet ﷺ was asked about fasting all the time. He said: ‘Your family has a right over you. Fast during Ramaḍān, and the following month, and every Wednesday and Thursday. Then you will have

٢٤٣٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عُثْمَانَ الْعِجْلِيُّ: حَدَّثَنَا عُبَيْدُ اللَّهِ يَعْنِي ابْنَ مُوسَى، عَنْ هَارُونَ بْنِ سَلْمَانَ، عَنْ عُبَيْدِ اللَّهِ بْنِ مُسْلِمٍ الْقُرَشِيِّ، عَنْ أَبِيهِ قَالَ: سَأَلْتُ أَوْ سُئِلَ النَّبِيُّ ﷺ عَنْ صِيَامِ الدَّهْرِ؟ فَقَالَ: «إِنَّ لِأَهْلِكَ عَلَيْكَ حَقًّا صُمَ رَمَضَانُ وَالَّذِي يَلِيهِ وَكُلُّ

[1] See also no. 2336.

fasted all the time.” (*Da‘īf*)

Abū Dāwud said: Zaid Al-‘Ukālī agreed with him, (in the name of the narrator ‘Ubaidullāh bin Muslim), but Abū Nu‘aim said: Muslim bin ‘Ubaidullāh.

أَرْبَعَاءَ وَخَمِيسٍ، فَإِذَا أَنْتَ قَدْ صُمْتَ الدَّهْرَ.

قَالَ أَبُو دَاوُدَ: وَافَقَهُ زَيْدُ الْعُكَلِيِّ، وَخَالَفَهُ أَبُو نُعَيْمٍ قَالَ: مُسْلِمٌ بْنُ عُبَيْدِ اللَّهِ.

تخریج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء في صوم الأربعاء والخميس، ح: ٧٤٨ من حديث عبیدالله بن موسى به وقال: "غريب" * عبیدالله بن مسلم: لم أجد من وثقه.

Chapter 58. Regarding Fasting Six Days In Shawwāl

(المعجم ٥٨) بَابُ: فِي صَوْمِ سِتَّةِ أَيَّامٍ
مِنْ شَوَّالٍ (التحفة ٥٨)

2433. ‘Umar bin Thābit Al-Anṣārī reported from Abū Ayyūb, a Companion of the Prophet ﷺ, from the Prophet ﷺ, that he said: “Whoever fasted Ramaḍān, then followed with six days in Shawwāl, it will be as if he had fasted all the time.” (*Ṣaḥīḥ*)

٢٤٣٣ - حَدَّثَنَا الثُّعَلِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ صَفْوَانَ بْنِ سُلَيْمٍ وَسَعْدِ بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ ثَابِتٍ الْأَنْصَارِيِّ، عَنْ أَبِي أَيُّوبَ صَاحِبِ النَّبِيِّ ﷺ، عَنْ النَّبِيِّ ﷺ قَالَ: «مَنْ صَامَ رَمَضَانَ ثُمَّ أَتْبَعَهُ بِسِتٍّ مِنْ شَوَّالٍ فَكَأَنَّمَا صَامَ الدَّهْرَ».

تخریج: أخرجه مسلم، الصيام، باب استحباب صوم ستة أيام من شوال اتباعاً لرمضان، ح: ١١٦٤ من حديث سعد بن سعيد به.

Comments:

These six days may be consecutive, or separate days after ‘Eid Al-Fiṭr.

Chapter 59. How The Prophet ﷺ Would Fast

(المعجم ٥٩) بَابُ: كَيْفَ كَانَ يَصُومُ
النَّبِيُّ ﷺ؟ (التحفة ٥٩)

2434. It was reported from Abū Salamah bin ‘Abdur-Raḥmān, from ‘Aīshah, the wife of the Prophet ﷺ, who said: “The Messenger of Allāh ﷺ used to fast to such an extent that we would say (to ourselves): ‘He will never break his fast,’ and he would go without fasting to such an extent that we

٢٤٣٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ مَوْلَى عُمَرَ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّهَا قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ حَتَّى نَقُولَ: لَا يُفْطِرُ، وَيُفْطِرُ حَتَّى نَقُولَ: لَا يَصُومُ وَمَا رَأَيْتُ

would say: 'He will never fast.' I never saw the Messenger of Allāh ﷺ fast a complete month except in Ramaḍān and I never saw him fast more in any other month than Sha'bān." (*Ṣaḥīh*)

تخريج: أخرجه البخاري، الصوم، باب صوم شعبان، ح: ١٩٦٩ ومسلم، الصيام، باب صيام النبي ﷺ في غير رمضان ... إلخ، ح: ١١٥٦ من حديث مالك به وهو في الموطأ (يحيى): ٣٠٩/١.

2435. (Another chain) from Abū Salamah, from Abū Hurairah, from the Prophet ﷺ, with its meaning (as no. 2434). He added: "He would fast it, except for a little, rather, he would fast all of it." (*Ḥasan*)

٢٤٣٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ مُحَمَّدِ بْنِ عَمْرٍو، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمَعْنَاهُ. زَادَ: كَانَ يَصُومُهُ إِلَّا قَلِيلًا، بَلْ كَانَ يَصُومُهُ كُلَّهُ.

تخريج: [إسناده حسن] * حماد هو ابن سلمة.

Chapter 60. Regarding Fasting Monday And Thursday

(المعجم ٦٠) بَابُ: فِي صَوْمِ الْإِثْنَيْنِ وَالْخَمِيسِ (التحفة ٦٠)

2436. It was reported from the freed slave of Usāmah bin Zaid, that he accompanied Usāmah to the valley of Al-Qur'ān, in pursuit of his wealth (camels). He used to fast on Mondays and Thursdays. He said to him: "Why do you fast on Mondays and Thursdays while you are an old man?" He said: "The Prophet of Allāh ﷺ used to fast on Mondays and Thursdays, and he was asked about it. He said: 'The deeds of the servants (of Allāh) are presented to Allāh on Monday and Thursday.'" (*Ḍa'īf*)

Abū Dāwud said: This is how it was said by Hishām Ad-Dastawā'i, from

٢٤٣٦ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا أَبَانُ: حَدَّثَنَا يَحْيَى عَنْ عُمَرَ بْنِ أَبِي الْحَكَمِ بْنِ ثَوْبَانَ، عَنْ مَوْلَى قُدَامَةَ بْنِ مَطْعُونٍ، عَنْ مَوْلَى أُسَامَةَ بْنِ زَيْدٍ: أَنَّهُ انْطَلَقَ مَعَ أُسَامَةَ إِلَى وَادِي الْقُرَى فِي طَلَبِ مَالٍ لَهُ، فَكَانَ يَصُومُ يَوْمَ الْإِثْنَيْنِ وَيَوْمَ الْخَمِيسِ فَقَالَ لَهُ مَوْلَاهُ: لِمَ تَصُومُ يَوْمَ الْإِثْنَيْنِ وَيَوْمَ الْخَمِيسِ وَأَنْتَ شَيْخٌ كَبِيرٌ؟، فَقَالَ: إِنَّ نَبِيَّ اللَّهِ ﷺ كَانَ يَصُومُ يَوْمَ الْإِثْنَيْنِ وَيَوْمَ الْخَمِيسِ، وَسُئِلَ عَنْ ذَلِكَ، فَقَالَ: «إِنَّ أَعْمَالَ الْعِبَادِ تُعْرَضُ يَوْمَ الْإِثْنَيْنِ وَيَوْمَ

Yahyā, from ‘Umar bin Abī Al-Hakam.^[1]

الْحَمِيسِ”.

قَالَ أَبُو دَاوُدَ: كَذَا قَالَ هِشَامُ الدَّسْتَوَائِيُّ
عَنْ يَحْيَى عَنْ عُمَرَ بْنِ أَبِي الْحَكَمِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢١٠/٤ من حديث أبي داود به * مولى قدامة ومولى أسامة مستوران، وحديث الترمذي، ح: ٧٤٥ يغني عنه.

Comments:

This provides information concerning the system of the presentation of the people's actions and deeds before Allāh that reach Him directly without break or delay. These presentations vary in nature: some take place daily, others weekly and others on Mondays and Thursdays, and others during the month of Sha‘bān.

Chapter 61. Regarding Fasting The Ten (Days)

(المعجم ٦١) بَابُ: فِي صَوْمِ الْعَشْرِ
(التحفة ٦١)

2437. It was reported from Al-Hurr bin (Aṣ-Ṣayyāḥ), from Hunaidah bin Khālīd, from his wife, from one of wives of the Prophet ﷺ, who said: “The Messenger of Allāh ﷺ used to fast (the first) nine days of Dhul-Hijjah, and the day of ‘Ashūrā’, and three days every month: the first Monday of the month, and Thursday.”^[2]

(Ṣaḥīḥ)

تخريج: [إسناده صحيح] أخرجه النسائي، الصيام، باب صوم النبي ﷺ بأبي هو وأمي وذكر اختلاف الناقلين للخبر في ذلك، ح: ٢٣٧٤ من حديث أبي عوانة به * هنيذة: صحابي، وامرأته صحابية.

2438. Ibn ‘Abbās said: “The Messenger of Allāh ﷺ said: ‘There are no days in which the righteous deeds are more beloved to Allāh than these days’ meaning the (first) ten days (of Dhul-Hijjah). They asked: ‘O Messenger of Allāh! Not

٢٤٣٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو عَوَانَةَ
عَنِ الْحُرِّ بْنِ [الصَّيَّاحِ]، عَنْ هُنَيْدَةَ بْنِ
خَالِدٍ، عَنْ امْرَأَتِهِ، عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ
ﷺ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ تِسْعَ
ذِي الْحِجَّةِ، وَيَوْمَ عَاشُورَاءَ، وَثَلَاثَةَ أَيَّامٍ مِنْ
كُلِّ شَهْرٍ أَوَّلَ اثْنَيْنِ مِنَ الشَّهْرِ وَالْحَمِيسِ.
٢٤٣٨ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ:
حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا الْأَعْمَشُ عَنْ أَبِي صَالِحٍ
وَمُجَاهِدٍ وَمُسْلِمٍ الْبُطِينِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ،
عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ:
«مَا مِنْ أَيَّامٍ الْعَمَلُ الصَّالِحُ فِيهَا أَحَبُّ إِلَيَّ

^[1] Meaning, he narrated it similarly, from the same narrators.

^[2] See no. 2451 and 2452.

even *Jihād* in Allāh's cause?' He said: 'Not even *Jihād* in Allāh's cause.' He said: 'Except for a man who goes out, himself and his wealth, and does not return with any of that.' (*Ṣaḥīḥ*)

اللَّهُ مِنْ هَذِهِ الْأَيَّامِ» يَعْنِي أَيَّامَ الْعَشْرِ قَالُوا: يَارَسُولَ اللَّهِ! وَلَا الْجِهَادُ فِي سَبِيلِ اللَّهِ؟ قَالَ: «وَلَا الْجِهَادُ فِي سَبِيلِ اللَّهِ» قَالَ: «إِلَّا رَجُلٌ خَرَجَ بِنَفْسِهِ وَمَالِهِ فَلَمْ يَرْجِعْ مِنْ ذَلِكَ بِشَيْءٍ».

تخريج: أخرجه البخاري، العبدین، باب فضل العمل في أيام التشريق، ح: ٩٦٩ من حديث سليمان الأعمش به.

Comments:

These *Ahādīth* are proof of the fact that there is great merit in fasting and doing other virtuous deeds during the first nine days of *Dhul-Hijjah*.

Chapter 62. Regarding Not Fasting During The Ten (Days) of *Dhul-Hijjah*

(المعجم ٦٢) بَابُ: فِي فِطْرِ الْعَشْرِ
(التحفة ٦٢)

2439. 'Aishah said: "I never saw the Messenger of Allāh ﷺ fasting during the (first) ten (days of *Dhul-Hijjah*)."
(*Ṣaḥīḥ*)

٢٤٣٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ الْأَعْمَشِ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: مَا رَأَيْتُ رَسُولَ اللَّهِ ﷺ صَائِمًا الْعَشَرَ قَطُّ.

تخريج: أخرجه مسلم، الاعتكاف،: باب صوم عشر ذي الحجة، ح: ٩/١١٧٦ من حديث الأعمش به.

Comments:

What is popularly known as the 'ten days of *Dhul-Hijjah*' in fact means the first nine days of that month. It is among the most desirable acts of devotion to observe fasts in these nine days.

Chapter 63. Regarding Fasting On (The Day Of) 'Arafah At 'Arafāt

(المعجم ٦٣) بَابُ: فِي صَوْمِ [يَوْمِ] عَرَفَةَ بِعَرَفَةَ (التحفة ٦٣)

2440. It was reported from 'Ikrimah, who said: "We were in the house of Abū Hurairah when he narrated to us that the Messenger of Allāh ﷺ prohibited fasting the day of 'Arafah at 'Arafāt."
(*Ḥasan*)

٢٤٤٠ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَوْشَبُ بْنُ عَقِيلٍ عَنْ مَهْدِيٍّ الْهَجَرِيِّ: حَدَّثَنَا عِكْرَمَةُ قَالَ: كُنَّا عِنْدَ أَبِي هُرَيْرَةَ فِي بَيْتِهِ فَحَدَّثَنَا أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى عَنْ صَوْمِ يَوْمِ عَرَفَةَ بِعَرَفَةَ.

تخريج: [إسناده حسن] أخرجه ابن ماجه، الصيام، باب صيام يوم عرفة، ح: ١٧٣٢ من حديث حوشب بن عقيل به وصححه ابن خزيمة، ح: ٢١٠١ والحاكم: ٤٣٤/١ ولم أر لمضعفه حجة.

Comments:

The ninth day of Dhul-Hijjah on which those performing *Hajj* stand or halt on the plains of 'Arafāt is called the Day of 'Arafah.

2441. It was reported from 'Abdullāh bin 'Abbās, from Umm Al-Faḍl bint Al-Hārith, that some people disputed in front of her on the day of 'Arafah about whether the Messenger of Allāh ﷺ was fasting or not, some of them said: 'He is fasting,' and some of them said: 'He is not fasting.' So I sent to him a cup of milk while he was halted atop his camel at 'Arafāt, and he drank from it." (*Saḥīḥ*)

٢٤٤١ - حَدَّثَنَا الْقُعْنَبِيُّ عَنْ مَالِكٍ، عَنْ أَبِي النَّضْرِ، عَنْ عُمَيْرٍ مَوْلَى عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ أُمِّ الْفَضْلِ بِنْتِ الْحَارِثِ: أَنَّ نَاسًا تَمَارَوْا عِنْدَهَا يَوْمَ عَرَفَةَ فِي صَوْمِ رَسُولِ اللَّهِ ﷺ فَقَالَ بَعْضُهُمْ: هُوَ صَائِمٌ، وَقَالَ بَعْضُهُمْ: لَيْسَ بِصَائِمٍ، فَأَرْسَلْتُ إِلَيْهِ بِقَدَحٍ لَبَنٍ، وَهُوَ وَقِفٌ عَلَى بَعِيرِهِ بِعَرَفَةَ فَشَرِبَ.

تخريج: أخرجه البخاري، الصوم، باب صوم يوم عرفة، ح: ١٩٨٨ ومسلم، الصيام، باب استحباب الفطر للحاج بعرفات يوم عرفة، ح: ١١٢٣ من حديث مالك به وهو في الموطأ (يحيى): ٣٧٥/١.

Chapter 64. Regarding Fasting The Day of 'Ashūrā'

2442. 'Āishah said: "The day of 'Ashūrā' was a day that the people of Quraish used to fast during *Jāhiliyyah* (the days of pre-Islamic Ignorance), and the Messenger of Allāh ﷺ used to fast it in *Jāhiliyyah*. When the Messenger of Allāh ﷺ arrived in Al-Madīnah, he fasted it and ordered others to fast it. When fasting in Ramaḍān was enjoined, it became the obligation, and 'Ashūrā' was abandoned. Whoever wanted to, he would fast, and whoever wanted to, he would leave it." (*Saḥīḥ*)

(المعجم ٦٤) بَابُ: فِي صَوْمِ يَوْمِ
عَاشُورَاءَ (التحفة ٦٤)

٢٤٤٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ يَوْمُ عَاشُورَاءَ يَوْمًا تَصُومُهُ قُرَيْشٌ فِي الْجَاهِلِيَّةِ، وَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُهُ فِي الْجَاهِلِيَّةِ، فَلَمَّا قَدِمَ رَسُولُ اللَّهِ ﷺ الْمَدِينَةَ صَامَهُ وَأَمَرَ بِصِيَامِهِ، فَلَمَّا فُرِضَ رَمَضَانُ كَانَ هُوَ الْفَرِيضَةُ وَتَرَكَ عَاشُورَاءَ، فَمَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ.

تخريج: أخرجه البخاري، الصوم، باب صوم يوم عاشوراء، ح: ٢٠٠٢ عن عبدالله بن مسلمة القعنبي، ومسلم الصيام، باب صوم يوم عاشوراء، ح: ١١٢٥ من حديث هشام بن عروة به وهو في الموطأ (يحيى): ٢٩٩/١.

2443. Ibn Umar said: “‘*Āshūrā*’ was a day we used to fast during *Jāhiliyyah*. When (the obligation of fasting) Ramaḍān was revealed, the Messenger of Allāh ﷺ said: “This day is among Allāh’s days,” so whoever wanted to, he would fast it, and whoever wanted to, he would leave it.” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، التفسير، سورة البقرة، باب: ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ...﴾، إلخ، ح: ٤٥٠١ عن مسدد، ومسلم، ح: ١١٢٦ انظر الحديث السابق من حديث يحيى القطان به.

2444. Ibn ‘Abbās said: “When the Prophet ﷺ arrived in Al-Madīnah, he found the Jews fasting on ‘*Āshūrā*’. They were asked about that, and they said: ‘It is the day in which Allāh granted victory to Mūsā over Fir‘awn, and we fast it out of reverence for it.’ The Messenger of Allāh ﷺ said: ‘We are more worthy of Mūsā than you people,’ and he ordered fasting it.” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، مناقب الأنصار، باب إتيان اليهود النبي ﷺ حين قدم المدينة، ح: ٣٩٤٣ عن زياد بن أيوب ومسلم، الصيام، باب صوم يوم عاشوراء، ح: ١١٣٠ من حديث هشيم به.

Chapter 65. What Has Been Related Regarding ‘*Āshūrā*’ Being The Ninth Day (Of Muḥarram)

2445. It was reported from Abū Ghatafān who said: “I heard ‘Abdullāh bin ‘Abbās saying:

٢٤٤٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ: أَخْبَرَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ قَالَ: كَانَ عَاشُورَاءَ يَوْمًا نَصُومُهُ فِي الْجَاهِلِيَّةِ، فَلَمَّا نَزَلَ رَضَّانُ قَالَ رَسُولُ اللَّهِ ﷺ: «هَذَا يَوْمٌ مِنْ أَيَّامِ اللَّهِ فَمَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ».

٢٤٤٤ - حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا أَبُو بَشِيرٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَمَّا قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ وَجَدَ الْيَهُودَ يَصُومُونَ عَاشُورَاءَ، فَسُئِلُوا عَنْ ذَلِكَ فَقَالُوا: هُوَ الْيَوْمُ الَّذِي أَظْهَرَ اللَّهُ فِيهِ مُوسَى عَلَى فِرْعَوْنَ، وَنَحْنُ نَصُومُهُ تَعْظِيمًا لَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «نَحْنُ أَوْلَى بِمُوسَى مِنْكُمْ» وَأَمَرَ بِصِيَامِهِ.

(المعجم ٦٥) - **بَابُ مَا رُوِيَ أَنَّ عَاشُورَاءَ الْيَوْمُ التَّاسِعُ (التحفة ٦٥)**

٢٤٤٥ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يَحْيَى

‘When the Prophet ﷺ fasted the day of ‘*Āshūrā*’ and ordered us to fast, they said: “O Messenger of Allāh! It is a day revered by the Jews and Christians.” The Messenger of Allāh ﷺ said: “When the next year comes, we will fast on the ninth.” The Messenger of Allāh ﷺ died before the arrival of next year.” (*Ṣaḥīḥ*)

أَبْنُ أُيُوبَ أَنَّ إِسْمَاعِيلَ بْنَ أُمَيَّةَ الْقُرَشِيَّ حَدَّثَهُ، أَنَّهُ سَمِعَ أَبَا غَطَفَانَ يَقُولُ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ يَقُولُ: جِئْنَا صَامَ النَّبِيِّ ﷺ يَوْمَ عَاشُورَاءَ وَأَمَرَنَا بِصِيَامِهِ قَالُوا: يَا رَسُولَ اللَّهِ! إِنَّهُ يَوْمٌ تُعْظَمُهُ الْيَهُودُ وَالنَّصَارَى، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا كَانَ الْعَامُ الْمُقْبِلُ ضَمْنَا يَوْمَ التَّاسِعِ»، فَلَمْ يَأْتِ الْعَامُ الْمُقْبِلُ حَتَّى تُوَفِّي رَسُولُ اللَّهِ ﷺ.

تخریج: أخرجه مسلم، الصيام، باب: أي يوم يصام في عاشوراء؟ ح: ١١٣٤ من حديث يحيى بن أيوب به.

Comments:

Based upon other *Aḥādīth* narrated by Ibn ‘Abbās, as well as authentic narrations from him, the meaning of these narrations is fasting the ninth along with the tenth of Muḥarram.

2446. It was reported from Al-Ḥakam bin Al-A‘raj, who said: “I came to Ibn ‘Abbās while he was reclining with his head on his *Ridā*’ in Al-Masjid Al-Ḥarām. I asked him about fasting on the day of ‘*Āshūrā*’. He said: ‘When you see the crescent of Muḥarram, then count (the days), when it is the ninth day, then arise fasting in the morning.’ I said: ‘Is that how Muḥammad ﷺ fasted? He said: “That is how Muḥammad ﷺ fasted.”’ (*Ṣaḥīḥ*)

٢٤٤٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى يَعْنِي ابْنَ سَعِيدٍ عَنْ مُعَاوِيَةَ بْنِ غَلَابٍ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا إِسْمَاعِيلُ: أَخْبَرَنِي حَاجِبُ بْنُ عُمَرَ جَمِيعًا الْمَعْنَى، عَنْ الْحَكَمِ ابْنِ الْأَعْرَجِ قَالَ: أَتَيْتُ ابْنَ عَبَّاسٍ وَهُوَ مُتَوَسِّدٌ رِءَاءَهُ فِي الْمَسْجِدِ الْحَرَامِ، فَسَأَلْتُهُ عَنْ صَوْمِ يَوْمِ عَاشُورَاءَ فَقَالَ: إِذَا رَأَيْتَ هِلَالَ الْمُحَرَّمِ فَأَعْدُدْ، فَإِذَا كَانَ يَوْمَ التَّاسِعِ فَأَصْبِحْ صَائِمًا، فَقُلْتُ: كَذَا كَانَ مُحَمَّدٌ ﷺ يَصُومُ؟ قَالَ: كَذَلِكَ كَانَ مُحَمَّدٌ ﷺ يَصُومُ.

تخریج: أخرجه مسلم، الصيام، باب: أي يوم يصام في عاشوراء؟ ح: ١١٣٣ من حديث يحيى القطان به.

Chapter 66. The Virtues Of Fasting It (‘*Āshūrā*’)

(المعجم ٦٦) بَابُ: فِي فَضْلِ صَوْمِهِ
(التحفة ٦٦)

2447. ‘Abdur-Raḥmān bin

٢٤٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْوَيْهَلِ:

Maslamah narrated from his paternal uncle, that the people of the tribe of Aslam came to the Prophet ﷺ. He said: "Are you people fasting today?" They said: "No." He said: "Complete the rest of the day, and make it up." (*Da'if*)
Abū Dāwud said: Meaning; the day of 'Ashūrā'.

حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ،
عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَسْلَمَةَ، عَنْ عَمِّهِ: أَنَّ
أَسْلَمَ أَتَى النَّبِيَّ ﷺ، فَقَالَ: «صُمْتُمْ يَوْمَكُمْ
هَذَا؟» قَالُوا: لَا. قَالَ: «فَاتِمُوا بَقِيَّةَ يَوْمِكُمْ
وَأَقْضُوهُ».

قَالَ أَبُو دَاوُدَ: يَعْنِي يَوْمَ عَاشُورَاءَ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٠٩/٥ والنسائي في الكبرى، ح: ٢٨٥١، ٢٨٥٢
من حديث سعيد بن أبي عروبة به * عبدالرحمن بن مسلمة: مستور لم يوثقه غير ابن حبان وجهله
ابن القطان.

Comments:

It is a 'weak' narration. *Ṣaḥīḥ Muslim* (nos. 1135 & 1136) contains *Aḥādīth* of the same meaning but they make no mention of completing the day's fast.

Chapter 67. Fasting A Day, And Not Fasting A Day

(المعجم ٦٧) بَابُ: فِي صَوْمِ يَوْمٍ وَفِطْرٍ
يَوْمٍ (التحفة ٦٧)

2448. 'Abdullāh bin 'Amr said: "The Messenger of Allāh ﷺ said to me: 'The most beloved fast to Allāh is fast of (Prophet) Dāwud, and the most beloved *Ṣalāt* to Allāh is *Ṣalāt* of Dāwud, he used to sleep half of the night, then pray for one third, and sleep one sixth, and he would go without fasting for one day, and fast the next day.'" (*Ṣaḥīḥ*)

٢٤٤٨ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ وَمُحَمَّدُ
ابْنُ عِيسَى وَمُسَدَّدٌ - وَالْإِسْبَارُ فِي حَدِيثِ
أَحْمَدَ - قَالُوا: حَدَّثَنَا سُفْيَانُ قَالَ: سَمِعْتُ
عَمْرًا قَالَ: أَخْبَرَنِي عَمْرُو بْنُ أَوْسٍ: سَمِعَهُ
مِنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: قَالَ لِي رَسُولُ
اللَّهِ ﷺ: «أَحَبُّ الصِّيَامِ إِلَى اللَّهِ صِيَامُ دَاوُدَ،
وَأَحَبُّ الصَّلَاةِ إِلَى اللَّهِ صَلَاةُ دَاوُدَ، كَانَ يَنَامُ
نِصْفَهُ، وَيَقُومُ ثُلُثَهُ، وَيَنَامُ سُدُسَهُ، وَكَانَ يُفْطِرُ
يَوْمًا، وَيَصُومُ يَوْمًا».

تخريج: أخرجه البخاري، التهجد، باب من نام عند السحر، ح: ١١٣١، ومسلم، الصيام،
باب النهي عن صوم الدهر لمن تضرر به ... إلخ، ح: ١٨٩/١١٥٩ من حديث سفیان بن عیینة به
وهو في مسند أحمد: ١٦٠/٢.

Chapter 68. Regarding Fasting Three Days Every Month

(المعجم ٦٨) بَابُ: فِي صَوْمِ الثَّلَاثِ
مِنْ كُلِّ شَهْرٍ (التحفة ٦٨)

2449. It was reported from Ibn

٢٤٤٩ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا

Milhān Al-Qaisī, from his father, who said: "The Messenger of Allāh ﷺ ordered us to fast on the white days; the thirteenth, fourteenth and fifteenth." He said: "And He (the Prophet ﷺ) said: 'It is like fasting all the time.'" (*Da'if*)

هَمَّامٌ عَنْ أَنَسٍ أَخِي مُحَمَّدٍ، عَنْ ابْنِ مِلْحَانَ الْقَيْسِيِّ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنَا أَنْ نَصُومَ الْبَيْضَ ثَلَاثَ عَشْرَةٍ وَأَرْبَعَ عَشْرَةٍ وَخَمْسَ عَشْرَةٍ. قَالَ: وَقَالَ: «هُنَّ كَهَيْئَةِ الدَّهْرِ».

تخريج: [إسناده ضعيف] أخرجه النسائي، الصيام، باب ذكر الاختلاف على موسى بن طلحة في الخبر في صيام ثلاثة أيام من الشهر، ح: ٢٤٣٤ وابن سعد في الطبقات: ٤٣/٧ من حديث همام به ورواه ابن ماجه، ح: ١٧٠٧ وصححه ابن حبان، ح: ١٩٤٦ * عبد الملك بن قتادة ابن ملحان: مستور ولم يوثقه غير ابن حبان.

Comments:

The reason why 13th, 14th and 15th of the lunar month are called the "white days" is because the moon is full during these days.

2450. ‘Abdullāh bin Mas‘ūd said: "The Messenger of Allāh ﷺ used to fast — meaning from the *Ghurrah* (beginning) of each month — three days. (*Hasan*)

٢٤٥٠ - حَدَّثَنَا أَبُو كَامِلٍ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا شَيْبَانُ عَنْ عَاصِمٍ، عَنْ زُرِّ، عَنْ عَبْدِ اللَّهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ - يَعْنِي مِنْ غُرَّةِ كُلِّ شَهْرٍ - ثَلَاثَةَ أَيَّامٍ.

تخريج: [إسناده حسن] أخرجه الترمذي، الصوم، باب ما جاء في صوم يوم الجمعة، ح: ٧٤٢ من حديث شيبان به وقال: "حسن غريب".

Chapter 69. Whoever Said Monday And Thursday

(المعجم ٦٩) - بَابُ مَنْ قَالَ الْإِثْنَيْنِ وَالْخَمِيسَ (التحفة ٦٩)

2451. Ḥaḥṣah said: The Messenger of Allāh ﷺ used to fast three days every month; Monday and Thursday, and Monday of the following week. (*Hasan*)

٢٤٥١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ عَاصِمٍ بْنِ بَهْدَلَةَ، عَنْ سَوَاءِ الْخَزَاعِيِّ، عَنْ حَفْصَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ ثَلَاثَةَ أَيَّامٍ مِنَ الشَّهْرِ، الْإِثْنَيْنِ وَالْخَمِيسَ وَالْإِثْنَيْنِ مِنَ الْجُمُعَةِ الْآخَرَى.

تخريج: [إسناده حسن] أخرجه النسائي، الصيام، باب صوم النبي ﷺ بأبي هو وأمي وذكر اختلاف الناقلين للخبر في ذلك، ح: ٢٣٦٨ من حديث حماد بن سلمة به * سواء الخزاعي وثقه ابن حبان وابن خزيمة بتصحيح حديثه فهو حسن الحديث.

2452: It was reported from Hunaidah Al-Khuzā'i from his mother, that she said: "I entered upon Umm Salamah and asked her about fasting. She said: 'The Messenger of Allāh ﷺ used to order me to fast three days every month, the first of them were Monday and Thursday.'" (*Ṣaḥīḥ*)

تخريج: [صحيح] انظر، ح: ٢٤٣٧ وأخرجه أحمد: ٦/ ٢٨٩ عن محمد بن فضيل بن غزوان به ورواه النسائي، الصيام، باب: كيف يصوم ثلاثة أيام من كل شهر ... إلخ، ح: ٢٤٢١.

Chapter 70. Whoever Said That There Is No Concern To Specify (The Day Of Fasting) Of The Month

2453. It was reported from Mu'adhah, who said: "I said to 'Āishah: 'Did the Messenger of Allāh ﷺ fast three days every month?' She said: 'Yes.' I said: 'Which days of the month would he fast?' She said: 'He was not specific about any particular day of the month he fasted.'" (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الصيام، باب استحباب صيام ثلاثة أيام من كل شهر ... إلخ، ح: ١١٦٠ من حديث عبدالوارث به.

Chapter 71. The Intention For Fasting

2454. It was reported from Hafṣah, the wife of the Prophet ﷺ, that the Messenger of Allāh ﷺ said: "Whoever did not intent to fast before *Fajr*, then there is no fast for him." (*Da'īf*)

Abū Dāwud said: Al-Laith and Ishāq bin Hāzim also reported it

٢٤٥٢ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا مُحَمَّدُ بْنُ فُضَيْلٍ: حَدَّثَنَا الْحَسَنُ بْنُ عُبَيْدِ اللَّهِ عَنْ هُمَيْدَةَ الْخَزَاعِيِّ، عَنْ أُمِّهِ قَالَتْ: دَخَلْتُ عَلَى أُمِّ سَلَمَةَ فَسَأَلْتُهَا عَنِ الصَّيَامِ فَقَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنِي أَنْ أَصُومَ ثَلَاثَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ، أَوَّلُهَا الْإِثْنَيْنِ وَالْخَمِيسِ.

(المعجم ٧٠) - بَابُ مَنْ قَالَ: لَا يُبَالِي مِنْ أَيِّ الشَّهْرِ (التحفة ٧٠)

٢٤٥٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ يَزِيدَ الرُّشَكِ، عَنْ مُعَاذَةَ قَالَتْ: قُلْتُ لِعَائِشَةَ: أَكَانَ رَسُولُ اللَّهِ ﷺ يَصُومُ مِنْ كُلِّ شَهْرٍ ثَلَاثَةَ أَيَّامٍ؟ قَالَتْ: نَعَمْ، قُلْتُ: مِنْ أَيِّ شَهْرٍ كَانَ يَصُومُ؟ قَالَتْ: مَا كَانَ يُبَالِي مِنْ أَيِّ أَيَّامِ الشَّهْرِ كَانَ يَصُومُ.

(المعجم ٧١) - بَابُ النِّيَّةِ فِي الصَّوْمِ (التحفة ٧١)

٢٤٥٤ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنِي ابْنُ لَهْيَعَةَ وَيَحْيَى ابْنُ أَيُّوبَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ بْنِ حَزْمٍ، عَنْ ابْنِ شِهَابٍ، عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنْ حَفْصَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّ رَسُولَ

from ‘Abdullāh bin Abī Bakr, similarly. Ma‘mar, Az-Zubaidī, Ibn ‘Uyaynah and Yūnus Al-Aylī, all reported it from Az-Zuhrī in *Mawqūf* form from Ḥaṣṣah.

الله ﷺ قال: «مَنْ لَمْ يُجْمِعِ الصِّيَامَ قَبْلَ الْفَجْرِ فَلَا صِيَامَ لَهُ».

قَالَ أَبُو دَاوُدَ: رَوَاهُ اللَّيْثُ وَإِسْحَاقُ بْنُ حَازِمٍ أَيْضًا جَمِيعًا عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ مِثْلَهُ، وَأَوْفَقَهُ عَلَى حَفْصَةَ مَعْمَرٍ وَالزُّبَيْدِيَّ وَابْنَ عُيَيْنَةَ وَيُونُسَ الْأَيْلِيَّ كُلَّهُمْ عَنِ الزُّهْرِيِّ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصوم، باب ما جاء لا صيام لمن لم يعزم من الليل، ح: ٧٣٠ والنسائي، ح: ٢٣٣٣ من حديث يحيى بن أيوب، وابن ماجه، ح: ١٧٠٠ من حديث عبدالله بن أبي بكر به وقال الترمذي: "غريب" * الزهري عنعن.

Comments:

In case of obligatory fasts it is necessary to have the intention before *Fajr*, and it is preferable to do it separately for each day. It must, however, be noted that intention means the determination of the heart.

Chapter 72. Regarding The Allowance For That

2455. It was reported from ‘Aishah, may Allāh be pleased with her, who said: “When the Prophet ﷺ would entering upon me, he would say: ‘Do you have food?’ If we say no, he would say: ‘(Then) I am fasting.’”

(One of the narrators) Wakī‘ added: “(‘Aishah said:) When he entered upon us another day we said to him: ‘O Messenger of Allāh! Some *Hais* has been given to us and we kept it for you.’ He said: ‘Bring it to me.’” (Ṭalḥah said:) “He was fasting since morning, but then broke his fast.” (*Ṣaḥīḥ*)

(المعجم ٧٢) بَابُ: فِي الرُّخْصَةِ فِيهِ
(التحفة ٧٢)

٢٤٥٥ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ، ح: وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ جَمِيعًا عَنْ طَلْحَةَ بْنِ يَحْيَى، عَنْ عَائِشَةَ بِنْتِ طَلْحَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: كَانَ النَّبِيُّ ﷺ إِذَا دَخَلَ عَلَيَّ قَال: «هَلْ عِنْدَكُمْ طَعَامٌ؟» فَإِذَا قُلْنَا لَا، قَالَ: «إِنِّي صَائِمٌ». زَادَ وَكِيعٌ: فَدَخَلَ عَلَيْنَا يَوْمًا آخَرَ، فَقُلْنَا: يَا رَسُولَ اللَّهِ! أَهْدِي لَنَا حَيْسٌ فَحَبَسْنَاهُ لَكَ، فَقَالَ: «أَذْنِيهِ» [قَالَ طَلْحَةُ:] فَأَصْبَحَ صَائِمًا وَأَفْطَرَ.

تخريج: أخرجه مسلم، الصيام، باب جواز صوم النافلة بنية من النهار قبل الزوال ... إلخ، ح: ١١٥٤ من حديث وكيع به.

Comments:

In case of voluntary fasts, we have the concession to make the intention even after *Fajr*.

2456. It was reported from Umm Hānī', who said: "On the Day of the Conquest — the Conquest of Makkah — Fāṭimah came and sat on the left of the Messenger of Allāh ﷺ, and Umm Hānī' on his right." She said: "A slave-girl came with a — vessel containing some drink, and gave it to the Prophet ﷺ who drank from it. He then gave it to Umm Hānī', who drank from it." She said: "O Messenger of Allāh! I broke my fast, I was fasting." He said to her: "Were you making up something?" She said: "No." He said: "If it is voluntary, it will not harm you." (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه الدارمي، ح: ١٧٤٣ عن عثمان بن أبي شيبة به * يزيد بن أبي زياد ضعيف، وله شواهد ضعيفة عند الترمذي، ح: ٧٣١، ٧٣٢ وغيره.

Chapter 73. Whoever Held The View That Such Person Has To Make It Up

2457. It was reported from Zumail, the freed slave of 'Urwah, from 'Urwah bin Az-Zubair, from 'Āishah, who said: "Some food was presented to myself and Ḥaṣṣah, while we were fasting. We broke our fast. Then the Messenger of Allāh ﷺ entered upon us, and we said to him: 'O Messenger of Allāh! A gift was presented to us, so we desired it, and broke our fast.' The Messenger of Allāh ﷺ said: 'There is nothing required of you, (just) fast another day in its place.'" (Abū

٢٤٥٦ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ بْنُ عَبْدِ الْحَمِيدِ عَنْ يَزِيدَ بْنِ أَبِي زِيَادٍ، عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ، عَنْ أُمِّ هَانِيءٍ قَالَتْ: لَمَّا كَانَ يَوْمُ الْفَتْحِ - فَتَحَ مَكَّةَ - جَاءَتْ فَاطِمَةُ فَجَلَسْتُ عَنْ يَسَارِ رَسُولِ اللَّهِ ﷺ وَأُمُّ هَانِيءٍ عَنْ يَمِينِهِ، قَالَتْ: فَجَاءَتِ الْوَلِيدَةُ بِنَاءً فِيهِ شَرَابٌ، فَتَنَاوَلْتُهُ فَشَرِبْتُ مِنْهُ، ثُمَّ نَاوَلَهُ أُمُّ هَانِيءٍ فَشَرِبَتْ مِنْهُ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! لَقَدْ أَفْطَرْتُ وَكُنْتُ صَائِمَةً، فَقَالَ لَهَا: «أَكُنْتِ تَقْضِينَ شَيْئًا؟» قَالَتْ: لَا، قَالَ: فَلَا يَضُرُّكِ إِنْ كَانَ تَطَوُّعًا.

(المعجم ٧٣) - بَابُ مَنْ رَأَى عَلَيْهِ الْقَضَاءَ (التحفة ٧٣)

٢٤٥٧ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي حَيْوَةُ بْنُ شُرَيْحٍ عَنْ ابْنِ الْهَادِ، عَنْ زُمَيْلِ مَوْلَى عُرْوَةَ، عَنْ عُرْوَةَ بْنِ الرُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: أَهْدِيَ لِي وَلِحَفْصَةَ طَعَامٌ وَكُنَّا صَائِمَتَيْنِ فَأَفْطَرْنَا، ثُمَّ دَخَلَ رَسُولُ اللَّهِ ﷺ فَقُلْنَا لَهُ: يَا رَسُولَ اللَّهِ! إِنَّا أَهْدَيْتَ لَنَا هَدِيَّةً فَاسْتَهْنَيْنَاهَا فَأَفْطَرْنَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا عَلَيْكُمَا، صُومَا مَكَانَهُ يَوْمًا آخَرَ». [قَالَ أَبُو سَعِيدٍ بْنُ الْأَعْرَابِيِّ:

Sa'eed bin Al-A'rābī said: "This *Hadīth* is not confirmed."^[1]
(*Ḍa'īf*)

هَذَا الْحَدِيثُ لَا يَثْبُتُ.]

تخريج: [إسناده ضعيف] أخرجه ابن عبد البر في التمهيد: ٧١/١٢ من حديث أبي داود به * زميل: مجهول (تقريب) وفيه علة أخرى وللحديث طرق أخرى كلها ضعيفة.

Chapter 74. A Woman Fasting Without Permission Of Her Husband

(المعجم ٧٤) - بَابُ الْمَرْأَةِ تَصُومُ بِغَيْرِ
إِذْنِ زَوْجِهَا (التحفة ٧٤)

2458. It was reported from Ma'mar, from Hammām bin Munabbih, that he heard Abū Hurairah saying: "The Messenger of Allāh ﷺ said: 'A woman is not to fast in the presence of her husband without his permission, except (the fasting of) Ramaḍān, and she is not to allow anyone in his house in his presence without his permission.'" (*Ṣaḥīh*)

٢٤٥٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَصُومُ امْرَأَةٌ وَبَعْلُهَا شَاهِدٌ إِلَّا بِإِذْنِهِ غَيْرَ رَمَضَانَ، وَلَا تَأْذُنُ فِي بَيْتِهِ وَهُوَ شَاهِدٌ إِلَّا بِإِذْنِهِ».

تخريج: أخرجه مسلم، الزكاة، باب ما أنفق العبد من مال مولاه، ح: ١٠٢٦ من حديث عبد الرزاق، والبخاري، النكاح، باب صوم المرأة بإذن زوجها تطوعاً، ح: ٥١٩٢ من حديث معمر به وهو في مصنف عبد الرزاق، ح: ٧٨٨٦ وصحيفة همام بن منبه، ح: ٧٦.

2459. It was reported Abū Sa'eed, who said: "A woman came to the Prophet ﷺ while we were with him. She said: 'O Messenger of Allāh! My husband Ṣafwān bin Al-Mu'aṭṭal beats me if I pray, and he makes me break my fast if I fast, and he does not pray *Fajr* (dawn) prayer until the sun rises.'" He (Abū Sa'eed) said: "And Ṣafwān was present." He said: "He was asked about his wife's statement. He said: 'O Messenger of Allāh! As far as her statement: "He beats

٢٤٥٩ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنِ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي سَعِيدٍ قَالَ: جَاءَتِ امْرَأَةٌ إِلَى النَّبِيِّ ﷺ وَنَحْنُ عِنْدَهُ فَقَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ زَوْجِي صَفْوَانُ بْنُ الْمُعْطَلِ يَضْرِبُنِي إِذَا صَلَّيْتُ وَيُفْطِرُنِي إِذَا صُمْتُ، وَلَا يُصَلِّي صَلَاةَ الْفَجْرِ حَتَّى تَطْلُعَ الشَّمْسُ. قَالَ: وَصَفْوَانُ عِنْدَهُ، قَالَ: فَسَأَلَهُ عَمَّا قَالَتْ؟ فَقَالَ: يَا رَسُولَ اللَّهِ! أَمَا قَوْلُهَا يَضْرِبُنِي إِذَا

[1] He is among those who conveyed the text.

me if I pray," she recites two *Sūrah*s, and I prohibited her from that." He said: "Then he (the Prophet ﷺ) said: 'If one *Sūrah* was recited it would be sufficient for the people.' And about her statement: "He makes me break my fast," she keeps on fasting and I am a young man, and I am not that patient.' Upon that the Messenger of Allāh ﷺ said: 'A woman is not to fast except with her husband's permission.' And about her statement that I do not pray until sunrise; we are from a class of people known for it, we cannot wake up till the sun rises.' He said: 'Then when you wake up, pray.'"

(*Da'if*)

Abū Dāwud said: Ḥammād — meaning Ibn Salamah — reported it; "from Ḥumaid or Thābit, from Abū Al-Mutawakkil."

صَلَّيْتُ فَإِنَّهَا تَقْرَأُ بِسُورَتَيْنِ وَقَدْ نَهَيْتُهَا. قَالَ: فَقَالَ: «لَوْ كَانَتْ سُورَةٌ وَاحِدَةً لَكَفَيْتِ النَّاسَ». وَأَمَّا قَوْلُهَا: يُفْطِرُنِي فَإِنَّهَا تَنْطَلِقُ فَتَصُومُ وَأَنَا رَجُلٌ شَابٌّ فَلَا أَضِيرُ. فَقَالَ رَسُولُ اللَّهِ ﷺ يَوْمَئِذٍ: «لَا تَصُومُ امْرَأَةٌ إِلَّا بِإِذْنِ زَوْجِهَا». وَأَمَّا قَوْلُهَا: إِنِّي لَا أَصَلِّي حَتَّى تَطْلُعَ الشَّمْسُ فَإِنَّا أَهْلُ بَيْتٍ قَدْ عَرَفْنَا ذَاكَ، لَا نَكَادُ نَسْتَقِظُ حَتَّى تَطْلُعَ الشَّمْسُ. قَالَ: «إِذَا اسْتَقِظْتَ فَصَلِّ».

قَالَ أَبُو دَاوُدَ: رَوَاهُ حَمَّادٌ - يَعْنِي ابْنَ سَلَمَةَ - عَنْ حُمَيْدٍ أَوْ ثَابِتٍ، عَنْ أَبِي الْمُتَوَكِّلِ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٨٠/٣ عن عثمان بن أبي شيبة به ورواه ابن ماجه، ح: ١٧٦٢ من حديث الأعمش وصححه ابن حبان، ح: ٩٥٦ والحاكم على شرط الشيخين: ٤٣٦/١ ووافقه الذهبي وللحديث شواهد * الأعمش عنن.

Comments:

The rule for the one who overslept or forgot (as preceded) is to perform the *Ṣalāt* as soon as they wake up or remember.

Chapter 75. Regarding A Fasting Person Who Is Invited To A *Walimah* (Wedding Feast)

2460. It was reported from Abū Khālid, from Hishām, from Ibn Sirīn, from Abū Hurairah who said: "The Messenger of Allāh ﷺ said: 'If one of you is invited (for a meal) then let him accept (the invitation), if he is not fasting, then

(المعجم ٧٥) بَابُ: فِي الصَّائِمِ يُدْعَى إِلَى وَلِيْمَةٍ (التحفة ٧٥)

٢٤٦٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ: حَدَّثَنَا أَبُو خَالِدٍ عَنْ هِشَامٍ، عَنْ ابْنِ سِيرِينَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا دُعِيَ أَحَدُكُمْ فَلْيَجِبْ، فَإِنْ كَانَ مُفْطِرًا فَلْيَطْعَمْ، وَإِنْ كَانَ صَائِمًا فَلْيُصَلِّ» قَالَ

let him eat, and if he is fasting, then let him pray (*Faluṣalli*).”

Hishām said: “And the *Ṣalāt* means to supplicate (for the host).”

(*Ṣaḥīḥ*)

Abū Dāwud said: Ḥafṣ bin Ghiyāth also reported it from Hishām.

هَشَامٌ: وَالصَّلَاةُ الدُّعَاءُ.

قَالَ أَبُو دَاوُدَ: رَوَاهُ حَفْصُ بْنُ غِيَاثٍ

أَيْضًا عَنْ هَشَامٍ.

تخريج: أخرجه مسلم، النكاح، باب الأمر بإجابة الداعي إلى دعوة، ح: ١٤٣١ من حديث

حفص بن غياث عن هشام بن عروة به.

Comments:

The implication here is that the fasting person should also join the meal and supplicate for the host. If it is an optional fast, it is also allowed to break it in such a situation.

Chapter 76. What A Fasting Person Says When Invited To A Meal

(المعجم ٧٦) - بَابُ مَا يَقُولُ الصَّائِمُ إِذَا

دُعِيَ إِلَى الطَّعَامِ (التحفة ٧٦)

2461. Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘If one of you is fasting, and is invited to a meal, then let him say: ‘I am fasting.’” (*Ṣaḥīḥ*)

٢٤٦١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفْيَانُ عَنْ

أَبِي الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ

قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا دُعِيَ أَحَدُكُمْ

إِلَى طَعَامٍ وَهُوَ صَائِمٌ فَلْيَقُلْ: إِنِّي صَائِمٌ».

تخريج: أخرجه مسلم، الصيام، باب ندب الصائم إذا دعي إلى الطعام ... إلخ، ح: ١١٥٠

من حديث سفیان بن عيينة به.

Comments:

It is preferable to attend the meal to which one is invited. Nevertheless, it is also permissible that the person informs the hosts that he is fasting.

Chapter 77. Al-I'tikāf

(المعجم ٧٧) - بَابُ الْإِعْتِكَافِ

(التحفة ٧٧)

2462. ‘Āishah said: “The Prophet ﷺ used to observe *I'tikāf* in the last ten days of Ramaḍān until Allāh took him, then his wives observed *I'tikāf* after him.” (*Ṣaḥīḥ*)

٢٤٦٢ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا

اللَيْثُ عَنْ عُقَيْلٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ،

عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ كَانَ يَعْتَكِفُ الْعَشْرَ

الْأَوَاخِرَ مِنْ رَمَضَانَ حَتَّى يَبْصُرَهُ اللَّهُ، ثُمَّ

اعْتَكَفَ أَزْوَاجُهُ مِنْ بَعْدِهِ.

تخريج: أخرجه مسلم، الاعتكاف، باب اعتكاف العشر الأواخر من رمضان، ح: ١١٧٢ عن

قبية والبخاري، الاعتكاف، باب الاعتكاف في العشر الأواخر، ح: ٢٠٢٦ من حديث الليث بن سعد به .

Comments:

Confining oneself in a *Masjid* for prayers and invocation to Allāh is known as *I'tikāf*. A women can also perform *I'tikāf* with the permission of her husband. The place of *I'tikāf*, even for the woman, is not her home but only the *Masjid*.

2463. Ubayy bin Ka'b said: "The Prophet ﷺ used to observe *I'tikāf* in the last ten of Ramaḍān, then he did not observe it for a year, when the next year came, he observed it for twenty nights." (*Ṣaḥīḥ*)

٢٤٦٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا ثَابِتٌ عَنْ أَبِي رَافِعٍ، عَنْ أَبِي بِنِ كَعْبٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يَعْتَكِفُ الْعَشْرَ الْأَوَاخِرَ مِنْ رَمَضَانَ، فَلَمْ يَعْتَكِفْ عَامًا، فَلَمَّا كَانَ فِي الْعَامِ الْمُقْبِلِ اعْتَكَفَ عَشْرِينَ لَيْلَةً.

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الصوم، باب ما جاء في الاعتكاف، ح: ١٧٧٠ من حديث حماد بن سلمة به وصححه ابن خزيمة، ح: ٢٢٢٥ وابن حبان، ح: ٩١٧ والحاكم: ١/ ٤٣٩ ووافقه الذهبي.

Comments:

It is not compulsory to make up for the intended voluntary actions. There is, however, much reward for redeeming such acts. The Prophet ﷺ was himself very particular about it.

2464. It was reported from Yahyā bin Sa'eed, from 'Amrah, from 'Āishah, who said: "When the Messenger of Allāh ﷺ wanted to observe *I'tikāf*, he would pray *Fajr* and enter his place of *I'tikāf*." She said: "On one occasion, he wanted to observe *I'tikāf* during the last ten of Ramaḍān." She said: "He ordered his tent to be pitched and it was pitched. When I saw that, I also ordered for my tent to be pitched, and it was pitched." She said: "And other wives of the Prophet ﷺ ordered it to be pitched and it was pitched. After he prayed *Fajr*, he saw the tents and said: 'What is this? Is it righteousness that you seek?'" She

٢٤٦٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ وَيَعْلَى بْنُ عُبَيْدٍ عَنْ يَحْيَى ابْنِ سَعِيدٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَرَادَ أَنْ يَعْتَكِفَ صَلَّى الْفَجْرَ ثُمَّ دَخَلَ مُعْتَكِفَهُ، قَالَتْ: وَإِنَّهُ أَرَادَ مَرَّةً أَنْ يَعْتَكِفَ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ، قَالَتْ: فَأَمَرَ بِنَائِهِ فَضُرِبَ، فَلَمَّا رَأَيْتُ ذَلِكَ أَمَرْتُ بِنَائِي فَضُرِبَ، قَالَتْ: وَأَمَرَ غَيْرِي مِنْ أَزْوَاجِ النَّبِيِّ ﷺ بِنَائِهِ فَضُرِبَ فَلَمَّا صَلَّى الْفَجْرَ نَظَرَ إِلَى الْأَبْنِيَةِ فَقَالَ: «مَا هَذِهِ؟ أَلَيْسَ تَرُدُّنَّ؟» قَالَتْ: فَأَمَرَ بِنَائِهِ فَقَوَّضَ وَأَمَرَ أَزْوَاجَهُ بِأَبْنِيَّتِهِنَّ فَقَوَّضَتْ

said: "Then he ordered his tent to be taken down, and his wives ordered their tents to be taken down, and he delayed his *I'tikāf* until the first ten days" meaning; of *Shawwāl*. (*Sahih*)

Abū Dāwud said: Ibn Ishāq and Al-Awzā'i reported it from Yahyā bin Sa'eed, similarly. Mālik reported it from Yahyā bin Sa'eed, and he said: "He (the Prophet ﷺ) observed *I'tikāf* for twenty in *Shawwāl*."

ثُمَّ أَخَّرَ الْإِعْتِكَافَ إِلَى الْعَشْرِ الْأَوَّلِ [تَعْنِي] مِنْ شَوَّالٍ.

قَالَ أَبُو دَاوُدَ: رَوَاهُ ابْنُ إِسْحَاقَ وَالْأَوْزَاعِيُّ عَنْ يَحْيَى بْنِ سَعِيدٍ نَحْوَهُ، وَرَوَاهُ مَالِكٌ عَنْ يَحْيَى بْنِ سَعِيدٍ قَالَ: اعْتَكَفَ عِشْرِينَ مِنْ شَوَّالٍ.

تخریج: أخرجه مسلم، الاعتكاف، باب: متى يدخل من أراد الاعتكاف في معتكفه، ح: ١١٧٣ من حديث أبي معاوية الضرير، والبخاري، الاعتكاف، باب اعتكاف النساء، ح: ٢٠٣٣ من حديث يحيى بن سعيد الأنصاري به.

Chapter 78. Where Is *Al-I'tikāf* (Observed) ?

(المعجم ٧٨) بَابُ: أَيْنَ يَكُونُ

الْإِعْتِكَافُ؟ (التحفة ٧٨)

2465. It was reported from Yūnus that Nāfi' informed him, from Ibn 'Umar: "The Prophet ﷺ used to observe *I'tikāf* in the last ten of Ramaḍān." Nāfi' said: "Abdullāh (Ibn 'Umar) showed me the place where the Messenger of Allāh ﷺ used to observe *I'tikāf* in the *Masjid*." (*Sahih*)

٢٤٦٥ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ عَنْ يُونُسَ، أَنَّ نَافِعًا أَخْبَرَهُ عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ كَانَ يَعْتَكِفُ الْعَشْرَ الْأَوَاخِرَ مِنْ رَمَضَانَ. قَالَ نَافِعٌ: وَقَدْ أَرَانِي عَبْدَ اللَّهِ الْمَكَانَ الَّذِي كَانَ يَعْتَكِفُ فِيهِ رَسُولُ اللَّهِ ﷺ مِنَ الْمَسْجِدِ.

تخریج: أخرجه البخاري، الاعتكاف، باب الاعتكاف في العشر الأواخر، ح: ٢٠٢٥ ومسلم، الاعتكاف، باب اعتكاف العشر الأواخر من رمضان، ح: ١١٧١/٢ من حديث عبدالله بن وهب به.

2466. Abū Hurairah said: "The Prophet ﷺ used to observe *I'tikāf* in every Ramaḍān, for ten days. During the year in which he died, he observed *I'tikāf* for twenty days." (*Sahih*)

٢٤٦٦ - حَدَّثَنَا هَنَادٌ عَنْ أَبِي بَكْرٍ، عَنْ أَبِي حَصِينٍ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ النَّبِيُّ ﷺ يَعْتَكِفُ كُلَّ رَمَضَانَ عَشْرَةَ أَيَّامٍ، فَلَمَّا كَانَ الْعَامَ الَّذِي قُضِيَ فِيهِ اعْتَكَفَ عِشْرِينَ يَوْمًا.

تخريج: أخرجه البخاري، الاعتكاف، باب الاعتكاف في العشر الأوسط من رمضان، ح: ٢٠٤٤ من حديث أبي بكر بن عياش به.

Comments:

What we infer from this is that *I'tikāf* can also be performed in the middle of Ramaḍān.

Chapter 79. The Person Observing *I'tikāf* Entering His House For A Need

2467. It was reported from Mālik, from Ibn Shihāb (Az-Zuhri), from 'Urwah bin Az-Zubair, from 'Amrah bint 'Abdur-Rahmān, from 'Āishah, who said: "While the Messenger of Allāh ﷺ was observing *I'tikāf*, he would bring his head near me to comb it, and he would not enter the house except for a person's needs." (*Ṣaḥīḥ*)

(المعجم ٧٩) - بَابُ الْمُعْتَكِفِ يَدْخُلُ
الْبَيْتَ لِحَاجَتِهِ (التحفة ٧٩)

٢٤٦٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا اغْتَكَفَ يُذْنِي إِلَيَّ رَأْسَهُ فَأَرْجُلُهُ، وَكَانَ لَا يَدْخُلُ الْبَيْتَ إِلَّا لِحَاجَةِ الْإِنْسَانِ.

تخريج: أخرجه مسلم، الحيض، باب جواز غسل الحائض رأس زوجها وترجيله وطهارة سورها... إلخ، ح: ٢٩٧ من حديث مالك به وهو في الموطأ (يحيى): ٣١٢/١ (والقنبي، ص: ٢٣١) وانظر الحديث الآتي.

2468. (Another chain) from Al-Laith, from Ibn Shihāb, from 'Urwah and 'Amrah, from 'Āishah, from the Prophet ﷺ, with similar (to no. 2467). (*Ṣaḥīḥ*)

Abū Dāwud said: And Yūnus reported it from Az-Zuhri like that. No one followed up Mālik with; "Urwah from 'Amrah." Ma'mar, Ziyād bin Sa'd, and others reported it from Az-Zuhri: "from 'Urwah, from 'Āishah."

٢٤٦٨ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَعَبْدُ اللَّهِ ابْنُ مَسْلَمَةَ قَالَا: حَدَّثَنَا اللَّيْثُ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ وَعَمْرَةَ، عَنْ عَائِشَةَ عَنِ النَّبِيِّ ﷺ نَحْوَهُ.

قَالَ أَبُو دَاوُدَ: وَكَذَلِكَ رَوَاهُ يُونُسُ عَنِ الزُّهْرِيِّ وَلَمْ يَتَابِعْ أَحَدٌ مَالِكًا عَلَى عُرْوَةَ عَنْ عَمْرَةَ وَرَوَاهُ مَعْمَرُ وَزِيَادُ بْنُ سَعْدٍ وَغَيْرُهُمَا عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ.

تخريج: أخرجه البخاري، أبواب الاعتكاف، باب: لا يدخل البيت إلا لحاجة، ح: ٢٠٢٩ عن قتيبة به.

2469. It was reported from 'Āishah, who said: "The Messenger of Allāh ﷺ used to observe *I'tikāf* in the

٢٤٦٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ وَمُسَدَّدٌ قَالَا: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ هِشَامِ بْنِ

Masjid, and would put his head through the opening in the house, and I would wash his head.” And Musad-dad (one of the narrators) said: “And I would comb it, while I was menstruating.” (*Ṣaḥīḥ*)

عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ يَكُونُ مُعْتَكِفًا فِي الْمَسْجِدِ، فَيَنَاقِلُنِي رَأْسَهُ مِنْ خَلَلِ الْحُجْرَةِ فَأَغْسِلُ رَأْسَهُ، وَقَالَ مُسَدَّدٌ: فَأَرْجُلُهُ وَأَنَا حَائِضٌ.

تخريج: أخرجه البخاري، الحيض، باب غسل الحائض رأس زوجها وترجيله، ح: ٢٩٥، ٢٠٣٠، ٥٩٢٥ ومسلم، ح: ٢٩٧ من حديث هشام بن عروة به.

2470. It was reported from Ma'mar from Az-Zuhrī, from 'Alī bin Ḥusain, from Ṣaḥīyyah, who said: “While the Messenger of Allāh ﷺ was observing *I'tikāf* I came to visit him at night. I spoke to him and then got up to return. He stood up with me to see me to the house.” Her dwelling was in the abode of Usāmah bin Zaid. Two men from the *Anṣār* passed by (while he was with her). When they saw the Prophet ﷺ they hastened on. The Prophet ﷺ said: “Take it easy, she is Ṣaḥīyyah bint Ḥuyyay.” They said: ‘Glory be to Allāh! O Messenger of Allāh!’ He said: ‘The *Shaiṭān* flows through the human like the flow of blood, so I was afraid that it might have cast something in your hearts.’ or he said: ‘evil.’” (*Ṣaḥīḥ*)

٢٤٧٠ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ شَبُوهٍ الْمَرْوَزِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عَلِيِّ بْنِ حُسَيْنٍ، عَنْ صَفِيَّةَ قَالَتْ: كَانَ رَسُولُ اللَّهِ ﷺ مُعْتَكِفًا فَأَتَيْتُهُ أُرُورَهُ لَيْلًا فَحَدَّثْتُهُ ثُمَّ قُمْتُ فَأَنْقَلَبْتُ، فَقَامَ مَعِيَ لِيَقْلِبَنِي، وَكَانَ مَسْكَنُهَا فِي دَارِ أُسَامَةَ بْنِ زَيْدٍ فَمَرَّ رَجُلَانِ مِنَ الْأَنْصَارِ، فَلَمَّا رَأَى النَّبِيُّ ﷺ أَسْرَعَا، فَقَالَ النَّبِيُّ ﷺ: «عَلَى رِسْلِكُمَا إِنَّهَا صَفِيَّةُ بِنْتُ حُيَّيٍّ» قَالَا: سُبْحَانَ اللَّهِ! يَارَسُولَ اللَّهِ! قَالَ: «إِنَّ الشَّيْطَانَ يَجْرِي مِنَ الْإِنْسَانِ مَجْرَى الدَّمِ فَخَشِيتُ أَنْ يَقْدِفَ فِي قُلُوبِكُمَا شَيْئًا» أَوْ قَالَ: «شَرًّا».

تخريج: أخرجه البخاري، بدء الخلق، باب صفة إبليس وجنوده، ح: ٣٢٨١ ومسلم، السلام، باب بيان أنه يستحب لمن روي خاليًا بامرأة... إلخ، ح: ٢١٧٥ من حديث عبد الرزاق به.

2471. (Another chain) from Shu'aib from Az-Zuhrī, with his chain, for this (similar to no. 2470). She said: “When we arrived near the door of the *Masjid*, which is near the door of Umm Salamah, two men passed by

٢٤٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ: حَدَّثَنَا أَبُو الْيَمَانِ: حَدَّثَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ بِإِسْنَادِهِ بِهَذَا قَالَتْ: حَتَّى إِذَا كَانَ عِنْدَ بَابِ الْمَسْجِدِ الَّذِي عِنْدَ بَابِ أُمِّ سَلَمَةَ

us.” Then he (the narrator) cited its meaning for the remainder of the narration. (*Ṣaḥīh*)

مَرَّ بِهِمَا رَجُلَانِ وَسَاقَ مَعْنَاهُ.

تخریج: أخرجه البخاري، الاعتكاف، باب: هل يخرج المعتكف لحوائجه إلى باب المسجد؟ ح: ٢٠٣٥ عن أبي اليمان به.

Chapter 80. A Person Observing *I'tikāf* Visiting The Sick

(المعجم ٨٠) - بَابُ الْمُعْتَكِفِ يَعُودُ الْمَرِيضَ (التحفة ٨٠)

2472. (A chain narrated by ‘Abdullāh bin Muḥammad An-Nufailī up to) ‘Āishah, that she said: “The Prophet ﷺ would pass by a sick person, while he was observing *I'tikāf*, so he would pass by on his way, without stopping to ask about him.” (The same chain, but narrated by Muḥammad bin ‘Eisā up to ‘Āishah) She said: “If the Prophet ﷺ was visiting the sick, and he was observing *I'tikāf*.” (*Ḍa‘īf*)

٢٤٧٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النُّفَيْلِيُّ وَمُحَمَّدُ بْنُ عِيسَى قَالَا: حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ حَرْبٍ: أَخْبَرَنَا اللَّيْثُ بْنُ أَبِي سُلَيْمٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَ النَّبِيُّ ﷺ يَمُرُّ بِالْمَرِيضِ وَهُوَ مُعْتَكِفٌ فَيَمُرُّ كَمَا هُوَ وَلَا يُعَرِّجُ يَسْأَلُ عَنْهُ. وَقَالَ ابْنُ عِيسَى قَالَتْ: إِنْ كَانَ النَّبِيُّ ﷺ يَعُودُ الْمَرِيضَ، وَهُوَ مُعْتَكِفٌ.

تخریج: [إسناده ضعيف] أخرجه البيهقي: ٣٢١/٤ من حديث أبي داود به * ليث بن أبي سليم تقدم، ح: ١٠٠٦، ١٣٢.

2473. It was reported from ‘Āishah, that she said: “The *Sunnah* is not to visit a sick person while observing *I'tikāf*, not to attend the funeral, not to touch or embrace a woman, not to exit for a need, except out of necessity, and there is no *I'tikāf* without fasting, and no *I'tikāf* except in a *Jāmi‘ Masjid*.” (*Ḍa‘īf*)

٢٤٧٣ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ: أَخْبَرَنَا خَالِدٌ عَنْ عَبْدِ الرَّحْمَنِ بْنِ يَنْبِغِ بْنِ إِسْحَاقَ، عَنْ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: السُّنَّةُ عَلَى الْمُعْتَكِفِ أَنْ لَا يَعُودَ مَرِيضًا، وَلَا يَشْهَدَ جَنَازَةً وَلَا يَمَسَّ امْرَأَةً وَلَا يُبَاشِرَهَا وَلَا يُخْرِجَ لِحَاجَةٍ إِلَّا لِمَا لَا بُدَّ مِنْهُ، وَلَا اغْتِكَافَ إِلَّا بِصَوْمٍ وَلَا اغْتِكَافَ إِلَّا فِي مَسْجِدٍ جَامِعٍ.

Abū Dāwud said: It was not said that she said: “The *Sunnah*” by other than ‘Abdūr-Raḥmān bin Ishāq (a narrator).

قَالَ أَبُو دَاوُدَ: غَيْرُ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ لَا يَقُولُ فِيهِ: قَالَتْ: السُّنَّةُ.

Abū Dāwud said: He stated it as a statement of ‘Āishah.

قَالَ أَبُو دَاوُدَ: جَعَلَهُ قَوْلَ عَائِشَةَ.

تخریج: [إسناده ضعيف] أخرجه الدارقطني: ٢٠١/٢، ح: ٢٣٣٨ من حديث الزهري به ولم يذكر فيه سماعاً من عروة، ورواه مالك في الموطأ: ٣١٢/١ مختصراً جداً.

2474. It was reported from Abū Dāwūd,^[1] that ‘Abdullāh bin Budail narrated from ‘Amr bin Dīnār, from Ibn ‘Umar, who said: “During *Jāhiliyyah*, ‘Umar, may Allāh be pleased with him, vowed to observe *I’tikāf* near the Ka’bah for a night or a day. He asked the Prophet ﷺ about that. He said: ‘Observe *I’tikāf* and fast.’” (*Ḍaʿīf*)

٢٤٧٤ - حَدَّثَنَا أَحْمَدُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُدَيْلٍ عَنْ عُمَرَوِ ابْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ: أَنَّ عُمَرَ رَضِيَ اللَّهُ عَنْهُ جَعَلَ عَلَيْهِ أَنْ يَعْتَكِفَ فِي الْجَاهِلِيَّةِ لَيْلَةً أَوْ يَوْمًا عِنْدَ الْكَعْبَةِ، فَسَأَلَ النَّبِيَّ ﷺ؟ فَقَالَ: «اعْتَكَفْ وَصُمْ».

تخریج: [إسناده ضعيف] أخرجه النسائي في السنن الكبرى، ح: ٣٣٥٥ من حديث عبدالله ابن بديل به وقال أبو بكر النيسابوري: "هذا حديث منكر ... وابن بديل ضعيف الحديث" (الدارقطني: ٢٠١، ٢٠٢/٢) والحديث الصحيح ليس فيه "وصم".

2475. (Another chain) from ‘Amr bin Muḥammad, meaning Al-‘Anqarī, from ‘Abdullāh bin Budail, with his chain, similarly (as no. 2474). He said: “So while he was observing *I’tikāf*, people began saying ‘*Allāhu Akbar*.’ ‘Umar said: ‘What is this O ‘Abdullāh?’ He said: ‘Captives from Hawāzin have been set free by the Messenger of Allāh ﷺ.’ He (‘Umar) said: ‘Send that slave girl with them.’”^[2] (*Ḍaʿīf*)

٢٤٧٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ بْنِ مُحَمَّدٍ بْنِ أَبَانَ بْنِ صَالِحٍ الْقُرَشِيُّ: حَدَّثَنَا عُمَرُو بْنُ مُحَمَّدٍ يَعْني الْعَنْقَرِيُّ عَنْ عَبْدِ اللَّهِ ابْنِ بُدَيْلٍ بِإِسْنَادِهِ نَحْوَهُ قَالَ: فَبَيْنَمَا هُوَ مُعْتَكِفٌ إِذْ كَبَّرَ النَّاسُ فَقَالَ: مَا هَذَا يَا عَبْدَ اللَّهِ؟ قَالَ: سَبَّيْ هَوَازِينَ أَعْتَقَهُمْ رَسُولُ اللَّهِ ﷺ قَالَ: وَتِلْكَ الْجَارِيَّةُ، فَأَرْسَلَهَا مَعَهُمْ.

تخریج: [إسناده ضعيف] أخرجه الجصاص في أحكام القرآن: ٣٠٦/١ من حديث أبي داود به، وانظر الحديث السابق.

Chapter 81. The Woman Suffering From *Istihādah* Observing *I’tikāf*

(المعجم ٨١) - بَابُ الْمُسْتَحَاضَةِ تَعْتَكِفُ (التحفة ٨١)

2476. ‘Āishah said: “A woman among the wives of the Messenger

٢٤٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيْسَى وَفُتَيْبَةُ بْنُ

[1] Aṭ-Ṭayālīsī.

[2] Meaning, she was from that tribe, and he wanted to set her free as well.

of Allāh ﷺ observed *I'tikāf* with him. She used to see something yellowish and reddish. Sometimes we might put a vessel under her while she was praying.” (*Ṣaḥīḥ*)

سَعِيدٌ قَالَا: حَدَّثَنَا يَزِيدُ عَنْ خَالِدٍ، عَنْ عِكْرَمَةَ، عَنْ عَائِشَةَ قَالَتْ: اعْتَكَفْتُ مَعَ رَسُولِ اللَّهِ ﷺ امْرَأَةٌ مِنْ أَزْوَاجِهِ، فَكَانَتْ تَرَى الصُّفْرَةَ وَالْحُمْرَةَ، فَرُبَّمَا وَضَعْنَا الطُّسْتَ تَحْتَهَا وَهِيَ تُصَلِّي.

تخريج: أخرجه البخاري، الاعتكاف، باب اعتكاف المستحاضة، ح: ٢٠٣٧ عن قتيبة به.

The End of the Book of Fasting and *I'tikāf*

In the Name of Allāh, the Most
Beneficent, the Most Merciful

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

15. The Book Of Jihād

(المعجم ١٥) - أَوَّلُ كِتَابِ الْجِهَادِ

(التحفة ٩)

Chapter 1. What Has Been Reported About *Hijrah* (Emigration) And Living In The Desert Areas

(المعجم ١) - بَابُ مَا جَاءَ فِي الْهِجْرَةِ

وَسُكْنَى الْبَدْوِ (التحفة ١)

2477. Abū Sa‘eed Al-Khudrī said: “A Bedouin asked the Prophet ﷺ about *Hijrah* (emigration). He said: ‘May mercy of Allāh be on you, the matter of *Hijrah* is severe. Do you have any camels?’ He said: ‘Yes.’ He said: ‘Do you pay the *Ṣadaqah* (*Zakāt*) due on them?’ He said: ‘Yes.’ He said: ‘Then do deeds from beyond the sea (in your land), indeed Allāh will not leave any of your deeds (unrewarded).’” (*Ṣaḥīḥ*)

٢٤٧٧ - حَدَّثَنَا مُؤَمَّلُ بْنُ الْفَضْلِ: حَدَّثَنَا الْوَلِيدُ يَغْنِي ابْنَ مُسْلِمٍ عَنِ الْأَوْزَاعِيِّ، عَنِ الزُّهْرِيِّ، عَنِ عَطَاءِ بْنِ يَزِيدَ، عَنِ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ أَعْرَابِيًّا سَأَلَ النَّبِيَّ ﷺ عَنِ الْهِجْرَةِ فَقَالَ: «وَيْحَكَ إِنَّ شَأْنَ الْهِجْرَةِ شَدِيدٌ، فَهَلْ لَكَ مِنْ إِبِلٍ؟» قَالَ: نَعَمْ. قَالَ: «فَهَلْ تُؤَدِّي صَدَقَتَهَا؟» قَالَ: نَعَمْ، قَالَ: «فَاعْمَلْ مِنْ وَرَاءِ الْبَحَارِ، فَإِنَّ اللَّهَ لَنْ يَتْرَكَ مِنْ عَمَلِكَ شَيْئًا».

تخريج: أخرجه البخاري، الأدب، باب ما جاء في قول الرجل: ويلك، ح: ٦١٦٥ ومسلم، الإمارة، باب المبايعة بعد فتح مكة على الإسلام والجهاد والخير ... إلخ، ح: ١٨٦٥ من حديث الوليد بن مسلم به.

Comments:

Hijrah literally means to abandon, to renounce, to forgo. In this context *Hijrah* refers to leaving the land of disbelievers for the land of the Muslims. *Hijrah* is also mentioned in *Aḥādīth* with the meaning of abandoning disobedience for obedience.

2478. It was reported from Al-Miqdām bin *Shuraiḥ*, from his father, who said: “I asked ‘Āishah, may Allāh be pleased with her about

٢٤٧٨ - حَدَّثَنَا عُثْمَانُ وَأَبُو بَكْرِ ابْنَا أَبِي شَيْبَةَ قَالَا: حَدَّثَنَا شَرِيكٌ عَنِ الْمُقْدَامِ بْنِ شُرَيْحٍ، عَنْ أَبِيهِ قَالَ: سَأَلْتُ عَائِشَةَ رَضِيَ

living in the desert. She said: 'The Messenger of Allāh ﷺ used to go out to these torrential streams. He once intended to go out to the desert. He sent me a *Muharramah*^[1] camel from the camels of *Ṣadaqah*, and said: "O 'Āishah! Be gentle, for indeed gentleness is not found in anything at all, except that it will beautify it, and it is not removed from anything at all except that it mars it." (*Ṣaḥīḥ*)

تخريج: [صحيح] أخرجه أحمد: ٥٨/٦ من حديث شريك القاضي به وتابعه شعبة عند مسلم، ح: ٢٥٩٤ والحدِيث في مصنف أبي بكر بن أبي شيبة (٣٣٥/١٢).

Chapter 2. Regarding *Hijrah* : Has It Ended ?

2479. Mu'awīyah said: "I heard the Messenger of Allāh ﷺ say: '*Hijrah* will not end until repentance ends, and repentance will not end until the sun rises from the west.'" (*Ḥasan*)

تخريج: [حسن] أخرجه أحمد: ٩٩/٤ والنسائي في الكبرى، ح: ٨٧١١ من حديث حريز بن عثمان به، أبو هند: لم يعرفه الذهبي وللحديث شاهد عند أحمد: ١٩٢/١ والطحاوي في مشكل الآثار: ٢٥٩/٣.

2480. Ibn 'Abbās said: "On the Day of the Conquest — the Conquest of Makkah — the Messenger of Allāh ﷺ said: 'There is no *Hijrah*, but *Jihād* and with intention, and if you are called up (for troops by the leader) then deploy.'" (*Ṣaḥīḥ*)

الله عَنْهَا عَنِ الْبَدَاوَةِ؟ فَقَالَتْ: كَانَ رَسُولُ الله ﷺ يَبْدُو إِلَى هَذِهِ الثَّلَاحِ وَإِنَّهُ أَرَادَ الْبَدَاوَةَ مَرَّةً فَأَرْسَلَ إِلَيَّ نَاقَةً مُحَرَّمَةً مِنْ إِبِلِ الصَّدَقَةِ فَقَالَ: «بَاعَائِشَةُ! ارْقُفِي فَإِنَّ الرِّفْقَ لَمْ يَكُنْ فِي شَيْءٍ قَطُّ إِلَّا زَانَهُ، وَلَا نُزِعَ مِنْ شَيْءٍ قَطُّ إِلَّا شَانَهُ».

(المعجم ٢) بَابُ: فِي الْهَجْرَةِ هَلِ انْقَطَعَتْ (التحفة ٢)

٢٤٧٩ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا عَيْسَى عَنْ حَرِيزِ بْنِ عُثْمَانَ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي عَوْفٍ، عَنْ أَبِي هِنْدٍ، عَنْ مُعَاوِيَةَ قَالَ: سَمِعْتُ رَسُولَ الله ﷺ يَقُولُ: «لَا تَنْقَطِعُ الْهَجْرَةُ حَتَّى تَنْقَطِعَ التَّوْبَةُ، وَلَا تَنْقَطِعَ التَّوْبَةُ حَتَّى تَطْلُعَ الشَّمْسُ مِنْ مَغْرِبِهَا».

٢٤٨٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ مُجَاهِدٍ، عَنْ طَاوُسٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ الله ﷺ يَوْمَ الْفَتْحِ - فَتَحَ مَكَّةَ - : «لَا هِجْرَةَ، وَلَكِنْ جِهَادٌ وَبَيَّةٌ، وَإِذَا اسْتَنْفَرْتُمْ فَانْفِرُوا».

^[1] It appears again (see no. 4808) where the author explains that it means that which has not been ridden.

تخريج: أخرجه البخاري عن عثمان بن أبي شيبة به كما تقدم: ٢٠١٨ ورواه البيهقي في دلائل النبوة: ١٠٨/٥ من حديث أبي داود به.

Comments:

Before the conquest of Makkah, it was compulsory for the Muslims to emigrate to Al-Madīnah if they were able. After the conquest of Makkah, it was no longer an obligation to emigrate to Al-Madīnah.

2481. ‘Āmir said: “A man came to ‘Abdullāh bin ‘Amr while there were some people with him, so he sat with him. He said: ‘Inform me of something you heard from the Messenger of Allāh ﷺ.’ He said: ‘I heard the Messenger of Allāh ﷺ say: “The Muslim is the one from whose tongue and hands the Muslims are safe, and the *Muhājir* (emigrant) is the one who abandons what Allāh has prohibited.” (*Ṣaḥīh*)

٢٤٨١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ: حَدَّثَنَا غَامِرٌ قَالَ: أَتَى رَجُلٌ عَبْدَ اللَّهِ بْنَ عَمْرٍو وَعِنْدَهُ الْقَوْمُ حَتَّى جَلَسَ عِنْدَهُ، فَقَالَ: أَخْبِرْنِي بِشَيْءٍ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ ﷺ فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ وَالْمُهَاجِرُ مَنْ هَجَرَ مَا نَهَى اللَّهُ عَنْهُ».

تخريج: أخرجه البخاري، الإيمان، باب: المسلم من سلم المسلمون من لسانه ويده، ح: ١٠ من حديث إسماعيل بن أبي خالد به.

Chapter 3. Regarding Residing In Ash-Shām.

2482. ‘Abdullāh bin ‘Amr said: “I heard the Messenger of Allāh ﷺ say: ‘There will be a *Hijrah* (to Shām) after *Hijrah* (to Al-Madīnah), and the best of the inhabitants of the earth will be those most adherent to the Ibrāhīm’s *Hijrah*. And there shall remain in the earth the vilest of its inhabitants, cast out by their lands, abhorred by Allāh, and gathered by the fire along with apes and swine.” (*Ḥasan*)

(المعجم ٣) بَابُ: فِي سُكْنَى الشَّامِ
(التحفة ٣)

٢٤٨٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ شَهْرِ بْنِ حَوْشَبٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «سَتَكُونُ هِجْرَةٌ بَعْدَ هِجْرَةٍ، فَخِيَارُ أَهْلِ الْأَرْضِ أَلْزَمُهُمْ مُهَاجَرَةُ إِبْرَاهِيمَ، وَيَتَقَى فِي الْأَرْضِ شِرَارُ أَهْلِهَا تَلْفِظُهُمْ أَرْضُهُمْ تَقْدَرُهُمْ نَفْسُ اللَّهِ وَتَحْشُرُهُمُ النَّارُ مَعَ الْقِرَدَةِ وَالْخَنَازِيرِ».

تخريج: [حسن] أخرجه أحمد: ٢/٢٠٩ من حديث هشام الدستوائي به وسنده ضعيف وللحديث

شواهد عند الحاكم: ٤/٥١٠، ٥١١ وأبي نعيم في الحلية: ٦/٦٦ وغيرهما.

2483. Ibn Hawālah said: "The Messenger of Allāh ﷺ said: 'A time will come when you will be armed troops: One in Ash-Shām, one in Yemen, one in 'Iraq.'" Ibn Hawālah said: "Choose for me O Messenger of Allāh! If I reach (live) that time." He said: "Go to Ash-Shām, for it is Allāh's chosen land, to which His chosen servants will be gathered. But if you refuse, then go to your Yemen, and draw water from your ponds, for Allāh has entrusted Ash-Shām and its people to me." (*Ṣaḥīḥ*)

٢٤٨٣ - حَدَّثَنَا حَيَّوَةُ بْنُ شُرَيْحٍ الْحَضْرَمِيُّ: حَدَّثَنَا بَقِيَّةٌ: حَدَّثَنِي بَجِيرٌ عَنْ خَالِدٍ يَعْنِي ابْنَ مَعْدَانَ، عَنْ ابْنِ أَبِي قُتَيْبَةَ، عَنْ ابْنِ حَوَالَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «سَيَصِيرُ الْأَمْرُ إِلَى أَنْ تَكُونُوا جُنُودًا مُجَنَّدَةً: جُنْدٌ بِالشَّامِ، وَجُنْدٌ بِالْيَمَنِ، وَجُنْدٌ بِالْعِرَاقِ». قَالَ ابْنُ حَوَالَةَ: خِزْرٌ لِي يَارَسُولَ اللَّهِ! إِنْ أَدْرَكْتُ ذَلِكَ، فَقَالَ: «عَلَيْكَ بِالشَّامِ، فَإِنَّهَا خَيْرَةٌ لِلَّهِ مِنْ أَرْضِهِ، يَجْتَنِي إِلَيْهَا خَيْرَتُهُ مِنْ عِبَادِهِ، فَأَمَّا إِذْ أُبَيِّنُكُمْ فَعَلَيْكُمْ بِيَمِينِكُمْ وَاسْقُوا مِنْ عُذْرِكُمْ، فَإِنَّ اللَّهَ تَوَكَّلَ لِي بِالشَّامِ وَأَهْلِهِ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٤/١١٠ عن حيوة به رواية بقية عن بحير محمولة على السماع، سواء صرح بالسماع أم لا، انظر كتاب "الفتح المبين في تحقيق طبقات المدلسين".

Comments:

In the *Hadīth* literature, Ash-Shām refers to the area north of the Arabian Peninsula. It includes Lebanon, Jordan, Palestine north western 'Iraq, and the present day Syria.

Chapter 4. Regarding The Continuance Of Jihād.

2484. 'Imrān bin Huṣain said: "The Messenger of Allāh ﷺ said: 'There always will remain a group from my Ummah fighting upon the truth, victorious over those who oppose them, until the last of them fight Al-Masīhid-Dajjāl.'" (*Ṣaḥīḥ*)

(المعجم ٤) بَابُ: فِي دَوَامِ الْجِهَادِ

(التحفة ٤)

٢٤٨٤ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ قَتَادَةَ، عَنْ مُطَرِّفٍ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَزَالُ طَائِفَةٌ مِنْ أُمَّتِي يُقَاتِلُونَ عَلَى الْحَقِّ، ظَاهِرِينَ عَلَى مَنْ نَاوَاهُمْ، حَتَّى يُقَاتِلَ آخِرُهُمُ الْمَسِيحُ الدَّجَالُ».

تخريج: [صحيح] أخرجه أحمد: ٤/٤٢٩، ٤٣٧ من حديث حماد بن سلمة به ورواه أبو

العلاء يزيد بن عبدالله بن الشخير أحمد: ٤/٤٣٤ وصححه الحاكم على شرط مسلم: ٤/٤٥٠ ووافقه الذهبي وللحديث شواهد كثيرة.

Comments:

The implication of this narration in relation to the chapter heading is that *Jihād* will remain as the group that is victorious upon the truth will fight the *Dajjāl*. It is the belief of *Ahl As-Sunnah Wal-Jamā'ah* that *Jihād* with every Muslim leader of a land abides.

Chapter 5. Regarding The Reward Of *Jihād*.

(المعجم ٥) بَابُ: فِي ثَوَابِ الْجِهَادِ

(التحفة ٥)

2485. It was reported from Abū Sa'eed that the Prophet ﷺ was asked: "Who among the believers are most perfect in Faith?" He said: "A man who fights (*Jihād*) in the cause of Allāh with himself and his wealth, and a man who worships Allāh in a pass among the mountain passes, who has protected the people from his evil." (*Ṣaḥih*)

٢٤٨٥ - حَدَّثَنَا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ: حَدَّثَنَا سُلَيْمَانُ بْنُ كَثِيرٍ: حَدَّثَنَا الزُّهْرِيُّ عَنْ عَطَاءِ بْنِ يَزِيدَ، عَنْ أَبِي سَعِيدٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ سُئِلَ: أَيُّ الْمُؤْمِنِينَ أَكْمَلُ إِيمَانًا؟ قَالَ: «رَجُلٌ يُجَاهِدُ فِي سَبِيلِ اللَّهِ بِنَفْسِهِ وَمَالِهِ، وَرَجُلٌ يَعْزُدُ اللَّهَ فِي شِعْبٍ مِنَ الشَّعَابِ قَدْ كَفَى النَّاسَ شَرًّا».

تخريج: أخرجه البخاري، الجهاد والسير، باب أفضل الناس مؤمن مجاهد بنفسه وماله في سبيل الله، ح: ٢٧٨٦ ومسلم، الإمامة، باب فضل الجهاد والرباط، ح: ١٨٨٨ من حديث الزهري به.

Comments:

This *Ḥadīth* mentions two traits of Faith, which appear unrelated. The first listed is *Jihād* in the Cause of Allāh. The second is seclusion to protect people from one's evil. These are in reality related, because the one who flees to seclusion protects the people from his evil, by not lending his hand to sectarian strife and bloodshed which they claim is *Jihād*, demanding him to participate in.

Chapter 6. Regarding The Prohibition Of Wandering (*As-Siyāḥah*)^[1]

(المعجم ٦) بَابُ: فِي النَّهْيِ عَنْ

السِّيَاحَةِ (التحفة ٦)

2486. Abū Umāmah said: "A man

٢٤٨٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عُثْمَانَ التَّنُوخِيُّ

[1] *As-Sayāḥah*; living life as a wanderer; a wandering traveler, a vagabond or the like. "It is said: 'Sāḥa in the earth, yasīḥu, sayāḥatan' when he goes throughout it. Its root is from *As-Sayyah*, and it is the flowing water spreading upon the face of the earth. It means leaving the *Amsār* (civilized lands, or large cities) and settling in the wilderness, and not attending the Friday prayer and the congregations." (*An-Nihāyah*)

said: ‘O Messenger of Allāh! Permit *Sayāḥah* for me.’ The Prophet ﷺ said: ‘Indeed the *Sayāḥah* for my people is *Jihād* in the cause of Allāh, the Mighty and Sublime.’” (*Hasan*)

أَبُو الْجَمَاهِرِ: حَدَّثَنَا الْهَيْثَمُ بْنُ حُمَيْدٍ: أَخْبَرَنِي الْعَلَاءُ بْنُ الْحَارِثِ عَنِ الْقَاسِمِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَبِي أُمَامَةَ أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! أَئِذَنْ لِي بِالسَّيَاحَةِ. قَالَ النَّبِيُّ ﷺ: «إِنَّ سَيَاحَةَ أُمَّتِي الْجِهَادُ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ».

تخريج: [إسناده حسن] أخرجه البيهقي: ١٦١/٩ من حديث محمد بن عثمان به وصحه الحاكم: ٨٣/٢ ووافقه الذهبي.

Chapter 7. Regarding The Virtues Of Returning Home From An Expedition

2487. ‘Abdullāh bin ‘Amr reported: “The Prophet ﷺ said: ‘Returning home is like going on an expedition (in reward).’” (*Sahih*)

(المعجم ٧) بَابُ: فِي فَضْلِ الْقَفْلِ فِي الْغَزْوِ (التحفة ٧)

٢٤٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُصَفَّى: حَدَّثَنَا عَلِيُّ بْنُ عَيَّاشٍ عَنِ اللَّيْثِ بْنِ سَعْدٍ: حَدَّثَنَا حَبِوَةُ عَنْ ابْنِ شُنَيْفٍ، عَنْ شُنَيْفِ بْنِ مَاتِعٍ، عَنْ عَبْدِ اللَّهِ هُوَ ابْنُ عَمْرٍو عَنِ النَّبِيِّ ﷺ قَالَ: «قَفْلُهُ كَغَزْوَةٍ».

تخريج: [إسناده صحيح] أخرجه أحمد: ١٧٤/٢ من حديث الليث بن سعد به وصحه الحاكم على شرط مسلم: ٧٣/٢ ووافقه الذهبي.

Chapter 8. The Virtues Of Fighting The Romans Compared To Other Nations

2488. ‘Abdul-Khabir bin Thābit bin Qais bin Shammās reported from his father, from his grandfather, who said: “A woman came to the Prophet ﷺ, she was called Umm Khallād, and she had her face covered, she asked about her son who had been killed in a battle. Some of the Companions of the Prophet ﷺ said: ‘You came to

(المعجم ٨) - بَابُ فَضْلِ قِتَالِ الرُّومِ عَلَى غَيْرِهِمْ مِنَ الْأُمَمِ (التحفة ٨)

٢٤٨٨ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ سَلَامٍ: حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ عَنْ فَرَجِ بْنِ فَضَالَةَ، عَنْ عَبْدِ الْخَبِيرِ بْنِ ثَابِتِ بْنِ قَيْسِ بْنِ شَمَّاسٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: جَاءَتْ امْرَأَةً إِلَى النَّبِيِّ ﷺ يُقَالُ لَهَا أُمُّ خَلَّادٍ، وَهِيَ مُتَنَفِّئَةٌ تَسْأَلُ عَنْ ابْنِهَا وَهُوَ مَقْتُولٌ؟، فَقَالَ لَهَا بَعْضُ أَصْحَابِ النَّبِيِّ ﷺ: جِئْتِ تَسْأَلِينَ عَنِ

ask about your son while you have your face covered?’ She said: ‘While I am afflicted by the loss of my son, I will never suffer the loss of my modesty.’ The Messenger of Allāh ﷺ said: ‘Your son has the reward of two martyrs.’ She said: ‘And why is that O Messenger of Allāh?’ He said: ‘Because he has been killed by the People of Book.’” (Ḍaʿīf)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٧٥/٩ من حديث أبي داود به * فرج بن فضالة ضعيف، عبد الخبير: مجهول الحال، وثابت بن قيس: مستور.

Chapter 9. Regarding Sailing On The Sea While Going On An Expedition

2489. ‘Abdullāh bin ‘Amr said: “The Messenger of Allāh ﷺ said: ‘There is no sailing the seas except for a person going on *Hajj*, or *Umrah*, or a fighter in the cause of Allāh, for under the sea is fire, and under the fire is sea.’” (Ḍaʿīf)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٣٤/٤ من حديث أبي داود به * بشر وبشير مجهولان.

Chapter (...) The Virtues Of Jihād At Sea

2490. It was reported from Muḥammad bin Yaḥyā bin Ḥabbān, from Anas bin Mālik (may Allāh be pleased with him), who said: “Umm Ḥarām bint Milḥān, the sister of Umm Sulaim, narrated to me that the Messenger of Allāh

ابنك وأنت متقبة؟ فقالت: أن أُرزأ ابني فلن أُرزأ حيائي، فقال رسول الله ﷺ: «ابنك له أجر شهيدين»، قالت: ولم ذاك يارسول الله؟ قال: «لأنه قتله أهل الكتاب».

(المعجم ٩) باب: في رُكوبِ البحرِ في الغزو (التحفة ٩)

٢٤٨٩ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ زَكَرِيَّا عَنْ مُطَرِّفٍ، عَنْ بَشْرِ أَبِي عَبْدِ اللَّهِ، عَنْ بَشِيرِ بْنِ مُسْلِمٍ، عَنْ عَبْدِ اللَّهِ ابْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَرْكَبُ الْبَحْرَ إِلَّا حَاجٌّ أَوْ مُعْتَمِرٌ أَوْ غَازٍ فِي سَبِيلِ اللَّهِ، فَإِنَّ تَحْتَ الْبَحْرِ نَارًا وَتَحْتَ النَّارِ بَحْرًا».

(المعجم...) - باب فضل الغزو في البحر (التحفة ١٠)

٢٤٩٠ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ: حَدَّثَنَا حَمَادٌ يُغْنِي ابْنَ زَيْدٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانٍ، عَنْ أَنَسِ بْنِ مَالِكٍ [رضي الله عنه] قال: حَدَّثَنِي

ﷺ took midday nap with them. He then awoke laughing. She said: 'I said: "O Messenger of Allāh! What made you laugh?" He replied: "I saw some people who will ride the surface of this sea, like kings upon their thrones."' She said: 'I said: "O Messenger of Allāh! Invoke Allāh that He make me among them."' He said: "You are one of them."' She said: 'Then he slept, and awoke laughing.' She said: 'I said: "O Messenger of Allāh! What made you laugh?"' He replied as he had said the first time. She said: 'I said: "O Messenger of Allāh! Invoke Allāh that He may make me among them."' He said: "You are among the first."

He said: "‘Ubādah bin Aṣ-Ṣāmit married her. He sailed on the sea for Jihād and took her with him. When he returned, a female mule was brought near her to ride, but it threw her off. Her neck broke, and she died." (Ṣaḥīḥ)

أُمُّ حَرَامٍ بِنْتُ مِلْحَانَ أُخْتُ أُمِّ سَلِيمٍ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ عِنْدَهُمْ فَاسْتَيْقِظَ وَهُوَ يَضْحَكُ. قَالَتْ: فَقُلْتُ: يَا رَسُولَ اللَّهِ! مَا أَضْحَكَكَ؟ قَالَ: «رَأَيْتُ قَوْمًا مِمَّنْ يَرْكَبُ ظَهَرَ هَذَا الْبَحْرِ كَالْمُلُوكِ عَلَى الْأَسِيرَةِ». قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! ادْعُ اللَّهَ أَنْ يَجْعَلَنِي مِنْهُمْ قَالَ: «فَإِنَّكَ مِنْهُمْ». قَالَتْ: ثُمَّ نَامَ فَاسْتَيْقِظَ وَهُوَ يَضْحَكُ. قَالَتْ: فَقُلْتُ: يَا رَسُولَ اللَّهِ! مَا أَضْحَكَكَ؟ فَقَالَ مِثْلَ مَقَالَتِهِ. قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! ادْعُ اللَّهَ أَنْ يَجْعَلَنِي مِنْهُمْ. قَالَ: «أَنْتِ مِنَ الْأَوَّلِينَ». قَالَ: فَتَزَوَّجَهَا عَبَادَةُ بْنُ الصَّامِتِ، فَعَزَا فِي الْبَحْرِ، فَحَمَلَهَا مَعَهُ، فَلَمَّا رَجَعَ قُرْبَتْ لَهَا بَغْلَةٌ لَتَرْكَبَهَا فَصَرَعَتْهَا، فَأَنْدَقَتْ عُنُقَهَا فَمَاتَتْ.

تخريج: أخرجه مسلم، الإمامة، باب فضل الغزو في البحر، ح: ١٩١٢ من حديث حماد بن زيد والبخاري، الجهاد والسير، باب فضل من يصرع في سبيل الله فمات فهو منهم، ح: ٢٧٩٩، ٢٨٠٠ من حديث يحيى بن سعيد الأنصاري به.

Comments:

This happened during the *Khilāfah* of ‘Uthmān, may Allāh be pleased with him, during the year 28 H. Mu‘āwiyah bin Abī Sufyān, may Allāh be pleased with him, was the Commander of this naval expedition. The *Ḥadīth* thus proves the excellence and merit of Mu‘āwiyah as well as of those Companions who accompanied him in this voyage.

2491. It was reported from ‘Abdullāh bin Abī Ṭalḥah, from Anas bin Mālīk, who said: "Whenever the Messenger of Allāh ﷺ would go to Qubā', he would

٢٤٩١ - حَدَّثَنَا الْقُعْنَبِيُّ عَنْ مَالِكٍ، عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّهُ سَمِعَهُ يَقُولُ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا ذَهَبَ إِلَى قُبَاءَ يَدْخُلُ عَلَى أُمِّ حَرَامٍ

visit Umm Ḥarām bint Milhān, who was married to ‘Ubādah bin Aṣ-Ṣāmit. He visited her one day, so she fed him, and started searching his head for lice.” Then he cited this *Ḥadīth* (no. 2490). (*Ṣaḥīḥ*)

Abū Dāwud said: Bint Milhān died in Cyprus.

بِنتِ مِلْحَانَ وَكَانَتْ تَحْتَ عُبَادَةَ بْنِ الصَّامِتِ، فَدَخَلَ عَلَيْهَا يَوْمًا، فَاطْعَمَتْهُ وَجَلَسَتْ تَقْلِي رَأْسَهُ وَسَاقَ هَذَا الْحَدِيثَ. قَالَ أَبُو دَاوُدَ: وَمَاتَتْ بِنْتُ مِلْحَانَ بِقَبْرُصَ.

تخريج: أخرجه البخاري، الجهاد والسير، باب الدعاء بالجهاد والشهادة للرجال والنساء، ح: ٢٧٨٨، ٢٧٨٩ ومسلم، الإمامة، باب فضل الغزو في البحر، ح: ١٩١٢ من حديث مالك به وهو في الموطأ (يحيى): ٤٦٤/٢، ٤٦٥.

2492. It was reported from ‘Aṭā’ bin Yasār, from the sister of Umm Sulaim, Ar-Rumaiṣā’, she said: “The Prophet ﷺ was sleeping, and awoke while she was washing her head. He awoke laughing. She said: ‘O Messenger of Allāh! Are you laughing at my head?’ He said: ‘No.’”

And he cited the narration with some additions and deletions. (*Ṣaḥīḥ*)

Abū Dāwud said: Ar-Rumaiṣā’ was the foster-sister of Umm Sulaim.

٢٤٩٢ - حَدَّثَنَا يَحْيَى بْنُ مَعِينٍ: حَدَّثَنَا هِشَامُ بْنُ يُوسُفَ عَنْ مَعْمَرٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أُخْتِ أُمِّ سُلَيْمٍ الرُّمَيْصَاءِ قَالَتْ: نَامَ النَّبِيُّ ﷺ فَاسْتَيْقَظَ وَكَانَتْ تَغْسِلُ رَأْسَهَا، فَاسْتَيْقَظَ وَهُوَ يَضْحَكُ، فَقَالَتْ: يَا رَسُولَ اللَّهِ! أَتَضْحَكُ مِنْ رَأْسِي؟ قَالَ: «لَا» وَسَاقَ هَذَا الْخَبَرُ يَزِيدُ وَيَنْقُصُ.

قَالَ أَبُو دَاوُدَ: الرُّمَيْصَاءُ أُخْتُ أُمِّ سُلَيْمٍ مِنَ الرِّضَاعَةِ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٤٣٥/٦ من حديث زيد بن أسلم به.

2493. It was reported from Ya‘lā bin Shaddād, from Umm Ḥarām, from the Prophet ﷺ, that he said: “A person who gets dizzy at sea and vomits will get the reward of a martyr, and a person who drowns will get the reward of two martyrs.” (*Ḥasan*)

٢٤٩٣ - حَدَّثَنَا مُحَمَّدُ بْنُ بَكَّارٍ الْعَيْشِيُّ: حَدَّثَنَا مَرْوَانُ؛ ح: وَحَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ عَبْدِ الرَّحِيمِ الْجَوْبَرِيُّ الدَّمَشْقِيُّ الْمَعْنَى قَالَ: حَدَّثَنَا مَرْوَانُ: حَدَّثَنَا هِلَالُ بْنُ مَيْمُونٍ الرَّمْلِيُّ عَنْ يَعْلَى بْنِ شَدَّادٍ، عَنْ أُمِّ حَرَامٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «الْمَائِدُ فِي الْبَحْرِ الَّذِي يُصِيبُهُ الْفَقْءُ، لَهُ أَجْرُ شَهِيدٍ، وَالْغَرِقُ لَهُ أَجْرُ شَهِيدَيْنِ».

تخريج: [إسناده حسن] أخرجه البيهقي: ٣٣٥/٤ من حديث أبي داود به، ورواه الحميدي، ح: ٣٤٩.

2494. It was reported from Abū Umāmah Al-Bāhilī, from the Messenger of Allāh ﷺ, who said: “There are three for whom Allāh, the Mighty and Sublime, is their guarantor: A man who goes out to fight in the cause of Allāh, the Mighty and Sublime. So he is under the guarantee of Allāh such that if he dies, He admits him into Paradise, or He sends him back with what he obtained of reward and spoils of war. And a man who goes to the *Masjid*, he is under the guarantee of Allāh such that if he dies, then He admits him into Paradise, or He sends him back with what he obtained of reward and spoils of war. And a man who enters his house with *Salām* is under the protection of Allāh, the Mighty and Sublime.”^[1] (*Ṣaḥīḥ*)

٢٤٩٤ - حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ عَتِيقٍ: حَدَّثَنَا أَبُو مُشْهَرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَبْدِ اللَّهِ يَعْنِي ابْنَ رَسَمَاعَةَ: أَخْبَرَنَا الْأَوْزَاعِيُّ: حَدَّثَنِي سُلَيْمَانُ بْنُ حَبِيبٍ عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «ثَلَاثَةٌ كُلُّهُمْ ضَامِنٌ عَلَى اللَّهِ عَزَّوَجَلَّ: رَجُلٌ خَرَجَ غَارِيًّا فِي سَبِيلِ اللَّهِ عَزَّوَجَلَّ فَهُوَ ضَامِنٌ عَلَى اللَّهِ حَتَّى يَتَوَفَّاهُ فَيُدْخِلَهُ الْجَنَّةَ، أَوْ يَرُدَّهُ بِمَا نَالَ مِنْ أَجْرِ وَغَنِيمَةٍ، وَرَجُلٌ رَاحَ إِلَى الْمَسْجِدِ فَهُوَ ضَامِنٌ عَلَى اللَّهِ حَتَّى يَتَوَفَّاهُ فَيُدْخِلَهُ الْجَنَّةَ، أَوْ يَرُدَّهُ بِمَا نَالَ مِنْ أَجْرِ وَغَنِيمَةٍ، وَرَجُلٌ دَخَلَ بَيْتَهُ بِسَلَامٍ فَهُوَ ضَامِنٌ عَلَى اللَّهِ عَزَّوَجَلَّ».

تخريج: [إسناده صحيح] أخرجه البخاري، في الأدب المفرد، ح: ١٠٩٤ من حديث أبي مسهر به وصححه الحاكم: ٧٣/٢، ٧٤ ووافقه الذهبي.

Chapter 10. Regarding the Virtue of Killing A Disbeliever

(المعجم ١٠) بَابُ: فِي فَضْلِ مَنْ قَتَلَ كَافِرًا (التحفة ١١)

2495. Abū Hurairah said: The Messenger of Allāh ﷺ said: “A

٢٤٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ الْبُرَّازُ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ جَعْفَرٍ عَنِ الْعَلَاءِ،

^[1] “With *Salām*:” Scholars have listed this narration, and explained it, relating to two topics. They say: “*bi-salām*” can mean: “with *Salām*” as translated here, and it means he gives the greeting of *Salām* when entering his house. And they say that *bi-salām* means he enters his house, to stay there, and to avoid *Fūnah* that appears. In this case the translation would be: “And a man who enters his house for security” or similar to that, and its meaning is, that he does so to keep the people safe from his participation in one side or another during the *Fūnah*.

disbeliever and the one who killed him will never be together in the Fire.” (*Ṣaḥīh*)

تخریج: أخرجه مسلم، الإمارة، باب من قتل كافراً ثم سدد، ح: ١٨٩١ من حديث إسماعيل ابن جعفر به.

Chapter 11. Regarding The Sanctity Of the Womenfolk Of The *Mujāhidīn* To Those Who Do Not Participate

2496. It was reported from Sufyān, from Qan‘ab, from ‘Alqamah bin Marthad, from Ibn Buraidah, from his father, who said: “The Messenger of Allāh ﷺ said: ‘The sanctity of the womenfolk of the *Mujāhidīn* to those who do not participate (in the military expedition) is like that of their own mothers. And there is no man among those who do not participate entrusted by a man among the *Mujāhidīn*, to look after his family, (and he betrays him) except that he will be stood up for him on the Day of Judgment. It will be said to him: “This one was entrusted to (look after) your family (and he betrayed), take whatever you want from his good merits.”’ The Messenger of Allāh ﷺ turned towards us and said: ‘So what do you think?’” (*Ṣaḥīh*) (Abū Sa‘eed said: “Abū Dāwud said: ‘Qa‘nab was a righteous man, and Ibn Abī Lailā wanted to appoint him as a judge.’ He said: ‘Qa‘nab refused, and Qan‘ab said: “I may have a need for a *Dirham* and seek help from someone for it, and who among us does not seek

عن أبيه، عن أبي هريرة أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَجْتَمِعُ فِي النَّارِ كَافِرٌ وَقَاتِلُهُ أَبَدًا».

(المعجم ١١) بَابُ: فِي حُرْمَةِ نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ (التحفة ١٢)

٢٤٩٦ - حَدَّثَنَا سَعِيدُ بْنُ مُنْصُورٍ: حَدَّثَنَا سُفْيَانُ عَنْ قَعْنَبٍ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ كَحُرْمَةِ أُمَّهَاتِهِمْ، وَمَا مِنْ رَجُلٍ مِنَ الْقَاعِدِينَ يَخْلُفُ رَجُلًا مِنَ الْمُجَاهِدِينَ فِي أَهْلِهِ إِلَّا نُصِبَ لَهُ يَوْمَ الْقِيَامَةِ، فَقِيلَ لَهُ: هَذَا قَدْ خَلَفَكَ فِي أَهْلِكَ فَخُذْ مِنْ حَسَنَاتِهِ مَا شِئْتَ»، فَالْتَفَتَ إِلَيْنَا رَسُولُ اللَّهِ ﷺ فَقَالَ: «مَا ظَنُّكُمْ».

[قَالَ أَبُو سَعِيدٍ: قَالَ أَبُو دَاوُدَ: كَانَ قَعْنَبُ رَجُلًا صَالِحًا وَكَانَ ابْنُ أَبِي لَيْلَى أَرَادَ قَعْنَبًا عَلَى الْقَضَاءِ قَالَ: فَأَبَى عَلَيْهِ وَقَالَ قَعْنَبُ: أَنَا أُرِيدُ الْحَاجَّةَ بِدِرْهَمٍ فَاسْتَعِينُ عَلَيْهِمَا بَرَجُلٍ وَإِنَّا لَا يَسْتَعِينُ فِي حَاجَتِهِ قَالَ: أَخْرِجُونِي حَتَّى أَنْظُرَ فَأُخْرِجَ فَتَوَارَى قَالَ سُفْيَانُ: بَيْنَمَا هُوَ مُتَوَارٍ إِذْ وَقَعَ عَلَيْهِ الْبَيْتُ فَمَاتَ]

help in time of need.” He said: “Let me leave so I can think about it.” He was sent away and he went in hiding. Sufyan said: “While he was in hiding, the house fell down upon him, and he died.”)

تخريج: أخرجه مسلم، الإمامة، باب حرمة نساء المجاهدين، وإثم من خانهم فيهن، ح: ١٨٩٧ عن سعيد بن منصور به وهو في سننه، ح: ٢٣٣١.

Chapter 12. Regarding A Detachment That Returns Without Any Spoils

(المعجم ١٢) بَابُ: فِي السَّرِيَّةِ تَخْفُقُ (التحفة ١٣)

2497. ‘Abdullāh bin ‘Amr said: “The Messenger of Allāh ﷺ said: ‘There is no detachment fighting in the cause of Allāh that acquires spoils of war, except they have hastened to two-thirds of their rewards of the Hereafter, and one-third remains for them. And if they do not acquire any spoils, their rewards will be complete for them (in the Hereafter).’” (*Ṣaḥīḥ*)

٢٤٩٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ: حَدَّثَنَا حَيْوَةُ وَابْنُ لَهَيْعَةَ قَالَا: حَدَّثَنَا أَبُو هَانِيءٍ الْخَوْلَانِيُّ: أَنَّهُ سَمِعَ أَبَا عَبْدِ الرَّحْمَنِ الْحُبَلِيَّ يَقُولُ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَمْرٍو يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ غَازِيَةٍ تَغْزُو فِي سَبِيلِ اللَّهِ فَيُصِيبُونَ غَنِيمَةً إِلَّا تَعَجَّلُوا ثُلُثِي أَجْرِهِمْ مِنَ الْآخِرَةِ، وَيَبْقَى لَهُمُ الثُّلُثُ، فَإِنْ لَمْ يُصِيبُوا غَنِيمَةً تَمَّ لَهُمْ أَجْرُهُمْ».

تخريج: أخرجه مسلم، الإمامة، باب بيان قدر ثواب من غزا فغنم ومن لم يغنم، ح: ١٩٠٦ من حديث أبي عبد الرحمن عبد الله بن يزيد المقرئ عن حيوة به.

Chapter 13. Doubling (The Reward For) The Remembrance In The Cause Of Allāh, The Mighty And Sublime

(المعجم ١٣) بَابُ: فِي تَضْعِيفِ الذِّكْرِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة ١٤)

2498. It was reported from Zabbān bin Fā'id, from Sahl bin Mu'ādh, from his father, who said: “The Messenger of Allāh ﷺ said: ‘(The reward of) *Ṣalāt*, fasting, and remembrance is increased seven

٢٤٩٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بْنِ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ يَحْيَى بْنِ أَيُّوبَ وَسَعِيدِ بْنِ أَبِي أَيُّوبَ، عَنْ زَبَّانَ بْنِ فَائِدٍ، عَنْ سَهْلِ بْنِ مُعَاذٍ، عَنْ أَبِيهِ قَالَ: قَالَ

hundred times over spending in the cause of Allāh, the Mighty and Sublime.” (Ḍaʿīf)

رَسُولُ اللَّهِ ﷺ: «إِنَّ الصَّلَاةَ وَالصَّيَامَ وَالذَّكْرَ يُضَاعَفُ عَلَى التَّقَةِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ بِسَبْعِمِائَةٍ ضِعْفٍ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٣٨/٣ من حديث زبان به وانظر، ح: ١٢٨٧ لعلته ومع ذلك صححه الحاكم: ٧٨/٢ ووافقه الذهبي.

Chapter 14. Regarding One Who Died In Battle

(المعجم ١٤) بَابُ: فِيمَنْ مَاتَ غَارِيًا

(التحفة ١٥)

2499. It was reported that Abū Mālīk Al-Ashʿarī said: “I heard the Messenger of Allāh ﷺ say: ‘The one who goes forth in the cause of Allāh, the Mighty and Sublime, and dies or is killed, then he is a martyr, or he is thrown by the horse or camel and breaks his neck, or any poisonous creature stings him, or dies on his bed, or dies with any other means as Allāh wills: Then he is a martyr, and Paradise is for him.’” (Ḍaʿīf)

٢٤٩٩ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ: حَدَّثَنَا بَقِيَّةُ بْنُ الْوَلِيدِ عَنْ ابْنِ ثَوْبَانَ، عَنْ أَبِيهِ، يَزِيدُ إِلَى مَكْحُولٍ إِلَى عَبْدِ الرَّحْمَنِ بْنِ غَنَمٍ الْأَشْعَرِيِّ أَنَّ أَبَا مَالِكٍ الْأَشْعَرِيَّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ فَصَلَ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ فَمَاتَ أَوْ قُتِلَ فَهُوَ شَهِيدٌ، أَوْ وَقَصَهُ فَرَسُهُ أَوْ بَعِيرُهُ، أَوْ لَدَعَتْهُ هَامَّةٌ، أَوْ مَاتَ عَلَى فَرَّاشِهِ، أَوْ بِأَيِّ حَتْفٍ شَاءَ اللَّهُ: فَإِنَّهُ شَهِيدٌ وَإِنَّ لَهُ الْجَنَّةَ».

تخريج: [إسناده ضعيف] أخرجه الحاكم: ٧٨/٢، ٧٩ من حديث عبد الوهاب بن نجدة به، وصححه على شرط مسلم ورده الذهبي بقوله: "عبدالرحمن بن غنم: لم يدركه مكحول فيما أظن" وبقيّة: مدلس، لم يصرح بالسماع المسلسل.

Chapter 15. Regarding The Virtue Of Ribāʾ^[1]

(المعجم ١٥) بَابُ: فِي فَضْلِ الرِّبَاطِ

(التحفة ١٦)

2500. Faḍālah bin ‘Ubaid reported that the Messenger of Allāh ﷺ said: “The deeds of every deceased person are sealed upon his death, except the one guarding the frontier, for his deeds will keep on

٢٥٠٠ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنَا أَبُو هَانِيءٍ عَنْ عَمْرِو بْنِ مَالِكٍ، عَنْ فَضَالَةَ بْنِ عُبَيْدٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كُلُّ الْمَيِّتِ يُحْتَمُّ عَلَى

[1] Meaning, guarding the frontier or post.

increasing until the Day of Judgment, and he will be safe from the trial in the grave.” (*Ṣaḥīḥ*)

عَمَلِهِ إِلَّا الْمُرَاطُ فَإِنَّهُ يَنْمُو لَهُ عَمَلُهُ إِلَى يَوْمِ الْقِيَامَةِ وَيُؤَمِّنُ مِنْ فَتَنِ الْقَبْرِ».

تخريج: [إسناده صحيح] أخرجه الترمذي، فضائل الجهاد، باب ما جاء في فضل من مات مرابطاً، ح: ١٦٢١ من حديث أبي هانئ به وقال: "حسن صحيح" وصححه ابن حبان، ح: ١٦٢٤ والحاكم على شرط مسلم: ٧٩/٢ ووافقه الذهبي.

Chapter 16. Regarding The Virtue Of Keeping Watch In The Cause Of Allāh, The Mighty And Sublime

(المعجم ١٦) بَابُ: فِي فَضْلِ الْحَرَسِ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ (التحفة ١٧)

2501. Sahl bin Al-Ḥanzaliyyah narrated that they traveled with the Messenger of Allāh ﷺ on the day of Ḥunain, so they traveled (in a caravan of camels) for a long time until evening came. (He said) "I attended a prayer along with the Messenger of Allāh ﷺ when a horseman came and said: 'O Messenger of Allāh! I traveled ahead of you until I ascended such and such mountain, and I saw Ḥawāzin, all together with their women, cattle, and sheep gathered at Ḥunain.' The Messenger of Allāh ﷺ smiled and said: 'That will be spoils for the Muslims tomorrow, if Allāh wills.' Then he said: 'Who will stand guard for us tonight?' Anas bin Abī Marthad Al-Ganawī said: 'I will do it O Messenger of Allāh!' He said: 'Then mount.' So he mounted his horse and came to the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ said to him: 'Go through this mountain pass until you come to the peak. We should not be exposed to any danger from your direction tonight.' In the

٢٥٠١ - حَدَّثَنَا أَبُو تَوْبَةَ: حَدَّثَنَا مُعَاوِيَةُ بَعْنِي ابْنَ سَلَامٍ عَنْ زَيْدٍ يَعْنِي ابْنَ سَلَامٍ أَنَّهُ سَمِعَ أَبَا سَلَامٍ قَالَ: حَدَّثَنِي السَّلُولِيُّ أَبُو كَبْشَةَ أَنَّهُ حَدَّثَهُ سَهْلُ بْنُ الْحَنْظَلِيَّةِ: أَنَّهُمْ سَارُوا مَعَ رَسُولِ اللَّهِ ﷺ يَوْمَ حُنَيْنٍ فَأَطْبَتُوا السَّيْرَ حَتَّى كَانَ عَشِيَّةً فَحَضَرَتْ صَلَاةٌ عِنْدَ رَسُولِ اللَّهِ ﷺ، فَجَاءَ رَجُلٌ فَارَسَ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي انْطَلَقْتُ بَيْنَ أَيْدِيكُمْ حَتَّى طَلَعْتُ جَبَلَ كَذَا وَكَذَا فَإِذَا أَنَا بِهَوَازِنَ عَلَى بَكْرَةٍ أَبَائِهِمْ بِطُعْنِهِمْ وَنَعْمِهِمْ وَشَائِهِمْ، اجْتَمَعُوا إِلَى حُنَيْنٍ، فَتَبَسَّمَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «تِلْكَ غَنِيمَةُ الْمُسْلِمِينَ غَدًا إِنْ شَاءَ اللَّهُ»، ثُمَّ قَالَ: «مَنْ يَحْرُسُنَا اللَّيْلَةَ؟» قَالَ أَنَسُ بْنُ أَبِي مَرْثَدٍ الْغَنَوِيُّ: أَنَا يَا رَسُولَ اللَّهِ! قَالَ: «فَارْكَبْ»، فَارْكَبَ فَرَسًا لَهُ وَجَاءَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «اسْتَقْبِلْ هَذَا الشَّعْبَ حَتَّى تَكُونَ فِي أَعْلَاهُ، وَلَا تُغَرَّنْ مِنْ قِبَلِكَ اللَّيْلَةُ»، فَلَمَّا أَضْبَحْنَا خَرَجَ رَسُولُ اللَّهِ ﷺ إِلَى مُصَلَّاهُ فَرَكَعَ

morning the Messenger of Allāh ﷺ came out to his place of prayer and offered two *Rak'ahs*, then said: 'Have you seen any sign of your horseman?' They said: 'O Messenger of Allāh! We have not heard from him.' The call for the prayer was made, and while the Messenger of Allāh ﷺ was praying, he began to glance towards the mountain pass. After he finished the prayer and said the *Salām*, he said: 'Cheer up for your horseman has come.' We started to look through the trees in the ravine, and sure enough he had come. He stood by the side of the Messenger of Allāh ﷺ and said the *Salām* to him, and said: 'I went until I reached the top of this mountain pass as ordered by the Messenger of Allāh ﷺ. In the morning I checked both of the ravines but saw no one.' The Messenger of Allāh ﷺ said to him: 'Did you dismount during the night?'. He said: 'No, except to pray or to relive myself.' The Messenger of Allāh ﷺ said: 'You have earned (Paradise); if you do not do anything after today, you will not be blamed for it.'^[1] (*Hasan*)

رَكْعَتَيْنِ، ثُمَّ قَالَ: «هَلْ أَحَسَّنْتُمْ فَارِسَكُمْ؟»
قَالُوا: يَا رَسُولَ اللَّهِ! مَا أَحَسَّنَاهُ، فَتَوَبَّ
بِالصَّلَاةِ، فَجَعَلَ رَسُولُ اللَّهِ ﷺ يُصَلِّي وَهُوَ
يَنْتَلِفُ إِلَى الشَّعْبِ حَتَّى إِذَا قَضَى صَلَاتَهُ
وَسَلَّمَ فَقَالَ: «أَبَشِّرُوا فَقَدْ جَاءَكُمْ فَارِسُكُمْ»،
فَجَعَلْنَا نَنْظُرُ إِلَى خِلَالِ الشَّجَرِ فِي الشَّعْبِ
فَإِذَا هُوَ قَدْ جَاءَ حَتَّى وَقَفَ عَلَى رَسُولِ اللَّهِ
ﷺ فَسَلَّمَ وَقَالَ: إِنِّي انْطَلَقْتُ حَتَّى كُنْتُ فِي
أَعْلَى هَذَا الشَّعْبِ حَيْثُ أَمَرَنِي رَسُولُ اللَّهِ
ﷺ، فَلَمَّا أَصْبَحْتُ اطَّلَعْتُ الشَّعْبَيْنِ كِلَاهِمَا،
فَنَظَرْتُ فَلَمْ أَرِ أَحَدًا، فَقَالَ لَهُ رَسُولُ اللَّهِ
ﷺ: «هَلْ نَزَلْتَ اللَّيْلَةَ؟» قَالَ: لَا، إِلَّا
مُصَلِّيًا أَوْ قَاضِيًا حَاجَةً، فَقَالَ لَهُ رَسُولُ اللَّهِ
ﷺ: «قَدْ أُوجِبَتْ فَلَا عَلَيْكَ أَنْ لَا تَعْمَلَ
بَعْدَهَا».

تخريج: [إسناده حسن] تقدم، ح: ٤١٦ أخرجه البيهقي في دلائل النبوة: ١٢٥/٥ من حديث أبي داود به، وصححه الحاكم على شرط الشيخين: ٨٣/٢، ٨٤، ووافقه الذهبي.

Chapter 16. That It Is Disliked To Abandon Fighting

(المعجم ١٧) - بَابُ كَرَاهِيَةِ تَرْكِ الْعَزْوِ
(التحفة ١٨)

2502. It was reported from Abū Hurairah, from the Prophet ﷺ,

٢٥٠٢ - حَدَّثَنَا عَبْدُ بَنٍ سُلَيْمَانَ
الْمَرْوَزِيُّ: حَدَّثَنَا ابْنُ الْمُبَارَكِ: حَدَّثَنَا

[1] An abridged form of this narration preceded, see no. 916.

who said: "Anyone who dies without engaging in battle, and it did not occur to him to engage in battle, he died upon a branch of hypocrisy." (*Ṣaḥīḥ*)

وَهَيْبٌ، قَالَ عَبْدُهُ يَعْنِي ابْنَ الْوُرْدِ: أَخْبَرَنِي عُمَرُ بْنُ مُحَمَّدٍ بْنِ الْمُكْدِرِ عَنْ سُمَيٍّ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ مَاتَ وَلَمْ يَغْزُ وَلَمْ يُحَدِّثْ نَفْسَهُ يَغْزُو مَاتَ عَلَى شُعْبَةٍ مِنْ نِفَاقٍ».

تخريج: أخرجه مسلم، الإمامة، باب ذم من مات ولم يغز ولم يحدث نفسه بالغزو، ح: ١٩١٠ من حديث عبدالله بن المبارك به.

2503. It was reported from Abū Umāmah, from the Prophet ﷺ, who said: "Anyone who does not go to battle, nor equip a fighter, nor look after the family of a fighter while he is away, Allāh will strike him with a sudden calamity." In his narration, (one of the narrators) Yazīd bin 'Abd Rabbih said: "...Before the Day of Resurrection." (*Ḥasan*)

٢٥٠٣ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ، وَقَرَأْتُهُ عَلَى يَزِيدَ بْنِ عَبْدِ رَبِّهِ الْجُرْجِسِيِّ قَالَا: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ يَحْيَى بْنِ الْحَارِثِ، عَنْ الْقَاسِمِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ أَبِي أُمَامَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ لَمْ يَغْزُ أَوْ يُجَهِّزْ غَازِيًا أَوْ يَخْلُفْ غَازِيًا فِي أَهْلِهِ بِخَيْرٍ، أَصَابَهُ اللَّهُ بِقَارِعَةٍ». قَالَ يَزِيدُ بْنُ عَبْدِ رَبِّهِ فِي حَدِيثِهِ: «قَبْلَ يَوْمِ الْقِيَامَةِ».

تخريج: [حسن] أخرجه ابن ماجه، الجهاد، باب التغليظ في ترك الجهاد، ح: ٢٧٦٢ من حديث الوليد بن مسلم به وصرح بالسماع المسلسل عند ابن عساكر في "الأربعين في الحث على الجهاد"، ح: ٢٠ وتابعه صدقة بن خالد عند الطبراني في مسند الشاميين، ح: ٨٨٣.

2504. It was reported from Anas, that the Prophet ﷺ said: "Perform Jihād against the idolators, with your wealth, yourselves, and your tongues." (*Ḥasan*)

٢٥٠٤ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَادٌ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ قَالَ: «جَاهِدُوا الْمُشْرِكِينَ بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ وَأَلْسِنَتِكُمْ».

تخريج: [حسن] أخرجه النسائي، الجهاد، باب وجوب الجهاد، ح: ٣٠٩٨ من حديث حماد ابن سلمة به وصححه ابن حبان، ح: ١٦١٨ والحاكم على شرط مسلم: ٨١/٢ ووافقه الذهبي ورواه ثابت البناني عن أنس به عند الضياء في المختارة: ٣٦/٥، ح: ١٦٤٢.

Comments:

Since all of the religions is commanding good and forbidding evil, the Messenger of Allāh ﷺ explained many of its elements with the same levels of commanding good and forbidding evil; that is, changing the evil into goodness with the hand if one is able, if not then with the tongue, and if not then in the

heart (see nos. 1140, and 4340). Similar is the case with *Hijrah* and *Jihād*, all of it is commanding good and forbidding evil, and it is required upon every Muslim, within their ability.

Chapter 18. Regarding Abrogation Of The Command For Mass Deployment By Specific Deployment

(المعجم ١٨) بَابُ: فِي نَسْخِ نَفِيرٍ
الْعَامَّةِ بِالْخَاصَّةِ (التحفة ١٩)

2505. It was reported from 'Ikrimah, from Ibn 'Abbās who said: "If you march not forth, He will punish you with a painful torment..."^[1] and "...It was not becoming of the people of Al-Madinah..." up to: "...What they used to do..." has been abrogated by the following Verse: "And it is not (proper) for the believers to go out to fight all together."^[2] (*Hasan*)

٢٥٠٥ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَرْوَزِيُّ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ التَّحَوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: ﴿إِلَّا تَنْفِرُوا يُعَذِّبْكُمْ عَذَابًا أَلِيمًا﴾ [التوبة: ٣٩] و ﴿مَا كَانَ لِأَهْلِ الْمَدِينَةِ﴾ إِلَى قَوْلِهِ: ﴿يَعْمَلُونَ﴾ نَسَخَهَا آيَةُ الَّتِي تَلِيهَا ﴿وَمَا كَانَتِ الْمُؤْمِنُونَ لِيَنْفِرُوا كَأَفَّةً﴾ [التوبة: ١٢٠-١٢٢].

تخريج: [إسناده حسن] أخرجه البيهقي: ٤٧/٩ من حديث أبي داود به.

Comments:

Meaning, the command given earlier to set out all together for *Jihād* was later abrogated.

2506. It was reported from 'Abdul-Mu'min bin Khālīd Al-Ḥanafī, who said: "Najdah bin Nufai' narrated to me, he said: 'I asked Ibn 'Abbās about this Verse: "If you march not forth, He will punish you with a painful torment." He replied: "The rain was withheld from them, and that was their punishment."^[3] (*Da'if*)

٢٥٠٦ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا زَيْدُ بْنُ الْحُبَابِ عَنْ عَبْدِ الْمُؤْمِنِ بْنِ خَالِدِ الْحَنْفِيِّ: حَدَّثَنِي نَجْدَةُ بْنُ نَفِيعٍ قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ عَنْ هَذِهِ الْآيَةِ ﴿إِلَّا تَنْفِرُوا يُعَذِّبْكُمْ عَذَابًا أَلِيمًا﴾ قَالَ: فَأُمْسِكَ عَنْهُمْ الْمَطَرُ وَكَانَ عَذَابَهُمْ.

تخريج: [إسناده ضعيف] أخرجه عبد بن حميد في مسنده، ح: ٦٨٢ عن زيد بن حباب به * نجدة بن نفع: مجهول (تقريب).

[1] *At-Tawbah* 9:39.

[2] *At-Tawbah* 9:120-122.

[3] See nos. 2727 and 2728.

Chapter 19. The Allowance To Stay Behind Due To An Excuse

(المعجم ١٩) - بَابُ الرُّخْصَةِ فِي الْقُعُودِ
مِنَ الْعُدْرِ (التحفة ٢٠)

2507. Zaid bin Thābit said: “I was beside the Messenger of Allāh ﷺ when divinely-inspired tranquility overtook him. The thigh of the Messenger of Allāh ﷺ fell down on my thigh, and I didn’t find anything heavier than the thigh of the Messenger of Allāh ﷺ. He then regained his composure and said: ‘Write.’ So I wrote down on a shoulder (blade): ‘Not equal are those of the believers who sit (at home) among the believers, and the *Mujāhidīn* in Allāh’s cause’ until the end of the Verse. Ibn Umm Maktūm — who was a blind man — stood up when he heard the superiority of the *Mujāhidīn*, and said: ‘O Messenger of Allāh! What about those believers who are not able to perform *Jihād*?’ As soon as he finished asking, divinely inspired tranquility overtook the Messenger of Allāh ﷺ. His thigh fell down on my thigh, and I felt the heavy weight for the second time as I had felt it the first time. Then the Messenger of Allāh ﷺ regained his composure, and said: ‘Read O Zaid.’ So I read: Not equal are those of the believers who sit (at home). The Messenger of Allāh ﷺ said: Except those who are disabled’ (reciting) the complete Verse.”^[1] Zaid said: “Allāh, the Mighty and Sublime,

٢٥٠٧ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ أَبِي الزَّنَادِ عَنْ أَبِيهِ، عَنْ خَارِجَةَ بْنِ زَيْدٍ، عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: كُنْتُ إِلَى جَنْبِ رَسُولِ اللَّهِ ﷺ فَغَشِيَتْهُ السَّكِينَةُ، فَوَقَعَتْ فَخِذُ رَسُولِ اللَّهِ ﷺ عَلَيَّ فَخِذِي فَمَا وَجَدْتُ ثِقَلَ شَيْءٍ أَثْقَلَ مِنْ فَخِذِ رَسُولِ اللَّهِ ﷺ، ثُمَّ سُرِّيَ عَنْهُ فَقَالَ: «اُكْتُبْ»، فَكُتِبَتْ فِي كَتِفِ: (لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ) إِلَى آخِرِ الْآيَةِ، فَقَامَ ابْنُ أُمِّ مَكْتُومٍ - وَكَانَ رَجُلًا أَعْمَى - لَمَّا سَمِعَ فَضِيلَةَ الْمُجَاهِدِينَ فَقَالَ: يَا رَسُولَ اللَّهِ! فَكَيْفَ بِمَنْ لَا يَسْتَطِيعُ الْجِهَادَ مِنَ الْمُؤْمِنِينَ؟ فَلَمَّا قَضَى كَلَامَهُ، غَشِيَتْ رَسُولَ اللَّهِ ﷺ السَّكِينَةُ فَوَقَعَتْ فَخِذَهُ عَلَيَّ فَخِذِي وَوَجَدْتُ مِنْ ثِقَلِهَا فِي الْمَرَّةِ الثَّانِيَةِ كَمَا وَجَدْتُ فِي الْمَرَّةِ الْأُولَى، ثُمَّ سُرِّيَ عَنِّي رَسُولُ اللَّهِ ﷺ فَقَالَ: «اقْرَأْ يَا زَيْدُ»، فَقَرَأْتُ: ﴿لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ﴾ فَقَالَ رَسُولُ اللَّهِ ﷺ: ﴿غَيْرِ أُولَى الضَّرَرِ﴾ الْآيَةَ كُلَّهَا [النساء: ٩٥]. قَالَ زَيْدٌ: فَأَنْزَلَهَا اللَّهُ عَزَّوَجَلَّ وَخَذَهَا فَالْحَقَّتْهَا، وَالَّذِي نَفْسِي بِيَدِهِ! لَكَأَنِّي أَنْظَرُ إِلَى مُلْحِقِهَا عِنْدَ صَدْعٍ فِي كَتِفٍ.

[1] *An-Nisā'* 4:95.

revealed it separately and I attached it. By Him in whose Hands is my soul! I can still see the place of attachment near the crack in the shoulder (blade).” (*Hasan*)

تخريج: [إسناده حسن] أخرجه أحمد: ١٩٠/٥، ١٩١ من حديث عبدالرحمن بن أبي الزناد به وهو في سنن سعيد بن منصور، ح: ٢٣١٤ وصححه الحاكم: ٨١/٢، ٨٢ ووافقه الذهبي.

Comments:

There is no sin if the people who are either sick or blind or disabled, or have some other genuine excuses stay behind from *Jihād*.

2508. It was reported from Mūsā bin Anas bin Mālik, from his father, that the Messenger of Allāh ﷺ said: “You left behind people in Al-Madīnah, you do not journey anywhere, nor do you spend (in charity), nor do you cross a valley, except that they are with you in it.” They said: “O Messenger of Allāh! And how can they be with us while they are still in Al-Madīnah?” He replied: “They were detained by a valid excuse.” (*Ṣaḥīḥ*)

٢٥٠٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ حُمَيْدٍ، عَنْ مُوسَى بْنِ أَنَسِ بْنِ مَالِكٍ، عَنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَقَدْ تَرَكْتُمْ بِالْمَدِينَةِ أَقْوَامًا مَا يَرْثُهُمْ مَسِيرًا، وَلَا أَنْفَقْتُمْ مِنْ نَفَقَةٍ، وَلَا قَطَعْتُمْ مِنْ وَادٍ إِلَّا وَهُمْ مَعَكُمْ فِيهِ». قَالُوا: يَا رَسُولَ اللَّهِ! وَكَيْفَ يَكُونُونَ مَعَنَا وَهُمْ بِالْمَدِينَةِ؟ قَالَ: «حَبَسَهُمُ الْعُذْرُ».

تخريج: [صحيح] أخرجه البيهقي: ٢٤/٩ من حديث أبي داود به وقال البخاري في صحيحه (كتاب الجهاد، باب من حبسه العذر عن الغزو، ح: ٢٨٣٩) وقال موسى ... إلخ فذكر السند ولم يذكر اللفظ وقال: "الأول أصح".

Chapter 20. What Is Accepted As Participation in Battle

2509. It was reported from Zaid bin Khālīd Al-Juhanī that the Messenger of Allāh ﷺ said: “Whoever equips a fighter in the cause of Allāh, (it is as if) he has fought, and whoever looks after his family in goodness, then he has fought.”^[1] (*Ṣaḥīḥ*)

(المعجم ٢٠) - بَابُ مَا يُجْزَى مِنْ الْغَزْوِ (التحفة ٢١)
٢٥٠٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَمْرٍو بْنُ أَبِي الْحَجَّاجِ أَبُو مَعْمَرٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا الْحُسَيْنُ: حَدَّثَنِي يَحْيَى: حَدَّثَنِي أَبُو سَلَمَةَ: حَدَّثَنِي بُشَيْرُ بْنُ سَعِيدٍ: حَدَّثَنِي زَيْدُ بْنُ خَالِدٍ الْجُهَنِيُّ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ

^[1] Something related appears again, see no. 2526.

جَهْرَ غَازِيَا فِي سَبِيلِ اللَّهِ فَقَدْ غَزَا، وَمَنْ خَلَفَهُ فِي أَهْلِهِ بِخَيْرٍ فَقَدْ غَزَا».

تخريج: أخرجه البخاري، الجهاد والسير، باب فضل من جهز غازیاً أو خلفه بخير، ح: ٢٨٤٣ عن أبي معمر، ومسلم، الإمامة، باب فضل إعانة الغازی في سبیل الله بمركوب وغيره ... إلخ، ح: ١٨٩٥ من حديث الحسين المعلم به * يحيى هو ابن أبي كثير وأبو سلمة هو ابن عبد الرحمن بن عوف.

2510. It was reported from Abū Sa‘eed Al-Khudrī that the Messenger of Allāh ﷺ sent a detachment to Banū Liḥyān, and said: “From every two men, one should go.” Then he said to the one staying behind: “If anyone of you looks after the family and wealth of one who goes forth, he will get the likes of half the reward of the one going forth.” (*Saḥīḥ*)

٢٥١٠ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عُمَرُو بْنُ الْحَارِثِ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ يَزِيدَ بْنِ أَبِي سَعِيدٍ مَوْلَى الْمَهْرِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ إِلَى بَنِي لِحْيَانَ وَقَالَ: لِيُخْرَجَ مِنْ كُلِّ رَجُلَيْنِ رَجُلٌ. ثُمَّ قَالَ لِلْقَاعِدِ: «أَيُّكُمْ خَلَفَ الْخَارِجَ فِي أَهْلِهِ وَمَالِهِ بِخَيْرٍ كَانَ لَهُ مِثْلُ نِصْفِ أَجْرِ الْخَارِجِ».

تخريج: أخرجه مسلم، الإمامة، باب فضل إعانة الغازی في سبیل الله بمركوب وغيره ... إلخ، ح: ١٨٩٦ عن سعيد بن منصور به وهو في سننه، ح: ٢٣٢٦.

Comments:

If the person staying behind has willingly volunteered himself for this role, he will only get half of the reward. In case both of them were equally eager to participate in *Jihād*, but it was the Commander who picked one of them for the campaign and assigned the duty of looking after the family to the other, both will get equal rewards. And Allāh knows best.

Chapter 21. Regarding Bravery and Cowardice

(المعجم ٢١) بَابُ: فِي الْجُرْأَةِ وَالْجُبْنِ
(التحفة ٢٢)

2511. Abū Hurairah said: I heard the Messenger of Allāh ﷺ say: “The most evil (trait) in a man are severe stinginess and uninhibited cowardice.” (*Saḥīḥ*)

٢٥١١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْجَرَّاحِ عَنْ عَبْدِ اللَّهِ بْنِ يَزِيدَ، عَنْ مُوسَى بْنِ عَلِيٍّ بْنِ رَبَاحٍ، عَنْ أَبِيهِ، عَنْ عَبْدِ الْعَزِيزِ بْنِ مَرْوَانَ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ

اللَّهُ ﷻ يَقُولُ: «شَرُّ مَا فِي رَجُلٍ شُحُّ هَالِكٍ وَجُبْنٌ خَالِكٌ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٣٢٠/٢ عن عبدالله بن يزيد: أبي عبدالرحمن المقرئ به وصححه ابن حبان، ح: ٨٠٨.

Comments:

In Arabic the meanings of the word *Shuhh* includes greed and miserliness.

Chapter 22. Regarding The Saying Of Allāh, The Mighty And Sublime: And Do Not Throw Yourselves Into Destruction^[1]

2512. It was reported from Aslam Abū ‘Imrān, who said: “We went on a military expedition from Al-Madīnah headed for Constantinople, and ‘Abdur-Rahmān bin Khālīd bin Al-Walīd was (commander) over the group. The Romans had gathered before the wall of the city (ready to fight). So a man went to attack the enemy. Thereupon the people said: ‘Stop, stop! None has the right to be worshiped but Allāh! He is throwing himself into destruction!’ Thus Abū Ayyūb said: ‘This Verse was revealed about us, the people of the *Anṣār*, when Allāh granted victory to His Prophet ﷺ and gave Islam dominance, we said: “Come, let us stay with our wealth (and properties) and improve it.” Thereupon, Allāh, the Mighty and Sublime, revealed: “And spend in the cause of Allāh, and do not throw yourselves into destruction.” So, to “throw oneself into destruction”

(المعجم ٢٢) **بَابُ: فِي قَوْلِهِ عَزَّ وَجَلَّ: ﴿وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾ [البقرة: ١٩٥]**
(التحفة ٢٣)

٢٥١٢ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بْنِ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ حَبِيبَةَ بْنِ شَرِيحٍ وَابْنِ لَهَيْعَةَ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَسْلَمَ أَبِي عِمْرَانَ قَالَ: غَزَوْنَا مِنَ الْمَدِينَةِ نُرِيدُ الْقُسْطَنْطِينِيَّةَ وَعَلَى الْجَمَاعَةِ عَبْدُ الرَّحْمَنِ ابْنُ خَالِدِ بْنِ الْوَلِيدِ، وَالرُّومُ مُلْصِقُو ظُهُورِهِمْ بِحَائِطِ الْمَدِينَةِ، فَحَمَلَ رَجُلٌ عَلَى الْعَدُوِّ فَقَالَ النَّاسُ: مَهْ مَهْ، لَا إِلَهَ إِلَّا اللَّهُ يُلْقِي بِأَيْدِيهِ إِلَى التَّهْلُكَةِ، فَقَالَ أَبُو أَيُّوبَ: إِنَّمَا أَنْزَلَتْ هَذِهِ آيَةُ فِينَا مَعْشَرَ الْأَنْصَارِ لَمَّا نَصَرَ اللَّهُ نَبِيَّهُ ﷺ وَأَظْهَرَ الْإِسْلَامَ قُلْنَا: هَلُمَّ نَقِمْ فِي أَمْوَالِنَا وَنُضْلِحْهَا فَأَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: ﴿وَأَنْفِقُوا فِي سَبِيلِ اللَّهِ وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ﴾ فَلَا لِقَاءَ بِأَيْدِينَا إِلَى التَّهْلُكَةِ: أَنْ نَقِمْ فِي أَمْوَالِنَا وَنُضْلِحْهَا وَنَدْعَ الْجِهَادَ. قَالَ أَبُو عِمْرَانَ: فَلَمْ يَزَلْ أَبُو أَيُّوبَ يُجَاهِدُ فِي سَبِيلِ اللَّهِ عَزَّ وَجَلَّ حَتَّى دُفِنَ بِالْقُسْطَنْطِينِيَّةِ.

^[1] Al-Baqarah 2:195.

means: To stay with our wealth and improve it, and abandon *Jihād*.”

Abū ‘Imrān said: “Abū Ayyūb continued to engage himself in *Jihād* in the cause of Allāh, the Mighty and Sublime, until he was buried in Constantinople.” (*Ṣaḥīh*)

تخريج: [إسناده صحيح] أخرجه الترمذي، تفسير القرآن، باب: ومن سورة البقرة، ح: ٢٩٧٢ من حديث حيوة بن شريح به وقال: "حسن غريب صحيح" وصححه ابن حبان، ح: ١٦٦٧ والحاكم على شرط الشيخين: ٢/٢٧٥ ووافقه الذهبي.

Comments:

When the circumstances behind the revelation of a Verses of the Qur’ān are known, then it is important to learn them to know its interpretation. What we learn from the facts mentioned above is that too much occupation with worldly affairs and neglecting commanding good and forbidding evil is a recipe for self-destruction.

Chapter 23. Regarding Shooting

(المعجم ٢٣) بَابُ: فِي الرَّمْيِ

(الصفحة ٢٤)

2513. It was reported from ‘Uqbah bin ‘Āmir, who said: “I heard the Messenger of Allāh ﷺ say: ‘Allāh, the Mighty and Sublime, will admit three people into Paradise by one arrow: The one made it and seeks good (in reward) by his making it; the one who shoots it, and the one who hands it to him. So shoot and ride, but your shooting is dearer to me than your riding. Every kind of amusement is futile except three: A man’s training his horse, playing with his wife, and his shooting with his bow and arrow. A person who abandons shooting after learning it, out of an aversion for it, then it is a favor he has abandoned” or he said: “(it is a favor) for which he was ungrateful.” (*Ḥasan*)

٢٥١٣ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ يَزِيدَ بْنِ جَابِرٍ: حَدَّثَنِي أَبُو سَلَامٍ عَنْ خَالِدِ بْنِ زَيْدٍ، عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ عَزَّوَجَلَّ يُدْخِلُ بِالسَّهْمِ الْوَاحِدِ ثَلَاثَةَ نَفَرٍ الْجَنَّةَ، صَانِعُهُ يَحْتَسِبُ فِي صُنْعِهِ الْخَيْرَ، وَالرَّامِي بِهِ، وَمُنْبَلَّهُ، وَارْتُمُوهُ وَارْكَبُوا وَأَنْ تَرْتُمُوا أَحَبُّ إِلَيَّ مِنْ أَنْ تَرْكَبُوا، لَيْسَ مِنَ اللَّهِوَ إِلَّا ثَلَاثُ تَأْدِيبِ الرَّجُلِ فَرَسُهُ وَمُلَاعَبَتُهُ أَهْلُهُ وَرَمِيُّهُ بِقَوْسِهِ وَنَبْلِهِ. وَمَنْ تَرَكَ الرَّمْيَ بَعْدَ مَا عَلِمَهُ رَغْبَةً عَنْهُ فَإِنَّهَا نِعْمَةٌ تَرَكَهَا» أَوْ قَالَ: «كَفَرَهَا».

تخريج: [إسناده حسن] وأخرجه النسائي، الجهاد، باب ثواب من رمى بسهم في سبيل الله عزوجل، ح: ٣١٤٨ من حديث عبدالرحمن بن يزيد بن جابر به وهو في سنن سعيد بن منصور، ح: ٢٤٥٠ بطوله وصححه الحاكم: ٩٥/٢ ووافقه الذهبي * خالد بن زيد: حسن الحديث، على الراجح.

2514. ‘Uqbah bin ‘Āmir Al-Juhani said: I heard the Messenger of Allāh recite on the *Minbar*: “And make ready against them all you can of power” (*Al-Anfal*: 60) Oh indeed power is shooting. Oh indeed power is shooting. Oh indeed power is shooting. (Ṣaḥīḥ)

٢٥١٤ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ أَبِي عَلِيٍّ ثُمَامَةَ بْنِ شُعَيْبٍ الْهَمْدَانِيُّ أَنَّهُ سَمِعَ عُقْبَةَ بْنَ عَامِرٍ الْجُهَنِيَّ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ وَهُوَ عَلَى الْمِنْبَرِ يَقُولُ: ﴿وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ﴾ [الأنفال: ٦٠] أَلَا إِنَّ الْقُوَّةَ الرَّمِيَّ، أَلَا إِنَّ الْقُوَّةَ الرَّمِيَّ.

تخريج: أخرجه مسلم، الإمامة، باب فضل الرمي والحث عليه وذم من علمه ثم نسيه، ح: ١٩١٧ من حديث ابن وهب به وهو في سنن سعيد بن منصور، ح: ٢٤٤٨.

Chapter 24. Regarding A Person Who Fights For Worldly Gain

2515. It was reported from Mu‘ādh bin Jabal that the Messenger of Allāh ﷺ said: “Military campaigns are of two types: As for the one who fights (in the cause of Allāh) seeking His Countenance, obeys the *Imām*, spends what is precious, deals with ease with his associates, and avoids mischief, whether he is asleep or awake, he is earning reward. But as for the one who fights out of pride, and in order to show off and gain a reputation, and disobeys the *Imām*, and spreads mischief in the land, he comes back empty-handed.” (Ḍa‘īf)

(المعجم ٢٤) بَابُ: فِيمَنْ يَغْزُو وَيَلْتَمِسُ الدُّنْيَا (التحفة ٢٥)

٢٥١٥ - حَدَّثَنَا حَيْوَةُ بْنُ شَرِيحٍ الْحَضْرَمِيُّ: حَدَّثَنَا بَقِيَّةٌ: حَدَّثَنِي بَجِيرٌ عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ أَبِي بَحْرَةَ، عَنْ مُعَاذِ بْنِ جَبَلٍ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «الْغَزْوُ غَزَاوَانٍ فَأَمَّا مَنْ ابْتَغَى وَجْهَ اللَّهِ، وَأَطَاعَ الْإِمَامَ، وَاتَّقَى الْكَرِيمَةَ، وَيَاسَرَ الشَّرِيكَ، وَاجْتَنَبَ الْفَسَادَ؛ فَإِنَّ نَوْمَهُ وَنَبَهُهُ أَجْرٌ كُلُّهُ، وَأَمَّا مَنْ غَزَا فُخْرًا وَرِيَاءً وَسُمُوعَةً وَعَصَى الْإِمَامَ وَأَفْسَدَ فِي الْأَرْضِ، فَإِنَّهُ لَمْ يَرْجَعْ بِالْكَفَافِ».

تخريج: [إسناده ضعيف] أخرجه النسائي، البيعة، باب التشديد في عصيان الإمام،

ح: ٤٢٠٠ من حديث بقية به وهو يدلّس تدليس التسوية ولم أجد تصريح سماعه المسلسل ومع ذلك صححه الحاكم على شرط مسلم: ٨٥/٢ ووافقه الذهبي (!).

2516. It was reported from Ibn Mikraz, a man from the people of Ash-Shām, from Abū Hurairah, that a man said: “O Messenger of Allāh! A man wants to engage in Jihād in the cause of Allāh, while he seeks some worldly gains?” The Prophet ﷺ said: “He will have no reward.” So this was very difficult on the people. They said to the man: “Go back to the Messenger of Allāh ﷺ and ask him again, for you might not have been able to make him understand properly.” He came back and said: “O Messenger of Allāh! A man wants to engage in Jihād in the cause of Allāh while he seeks some worldly gains?” The Prophet ﷺ said: “He will have no reward.” They said to the man: “Go back to the Messenger of Allāh ﷺ,” so he said it to him for a third time. He said: “He will have no reward.” (*Hasan*)

٢٥١٦ - حَدَّثَنَا أَبُو تَوْبَةَ الرَّبِيعُ بْنُ نَافِعٍ
عَنِ ابْنِ الْمُبَارَكِ، عَنْ ابْنِ أَبِي ذَنْبٍ، عَنْ
الْقَاسِمِ، عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ الْأَشْجِ عَنْ
ابْنِ مَكْرَزٍ، رَجُلٍ مِنْ أَهْلِ الشَّامِ، عَنْ أَبِي
هُرَيْرَةَ: أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! رَجُلٌ
يُرِيدُ الْجِهَادَ فِي سَبِيلِ اللَّهِ وَهُوَ يَنْتَغِي عَرَضًا
مِنْ عَرَضِ الدُّنْيَا؟ فَقَالَ النَّبِيُّ ﷺ: «لَا أَجْرَ
لَهُ»، فَأَعْظَمَ ذَلِكَ النَّاسَ وَقَالُوا لِلرَّجُلِ: عُدْ
لِرَسُولِ اللَّهِ ﷺ فَلَعَلَّكَ لَمْ تَفْهَمْهُ، فَقَالَ:
يَا رَسُولَ اللَّهِ! رَجُلٌ يُرِيدُ الْجِهَادَ فِي سَبِيلِ اللَّهِ
وَهُوَ يَنْتَغِي عَرَضًا مِنْ عَرَضِ الدُّنْيَا؟ قَالَ:
«لَا أَجْرَ لَهُ»، فَقَالُوا لِلرَّجُلِ: عُدْ لِرَسُولِ اللَّهِ
ﷺ فَقَالَ لَهُ الثَّالِثَةُ، فَقَالَ لَهُ: «لَا أَجْرَ لَهُ».

تخريج: [إسناده حسن] أخرجه أحمد: ٢٩٠/٢ من حديث محمد بن عبد الرحمن بن أبي ذئب به وهو في كتاب الجهاد لابن المبارك، ح: ٢٢٧ وصححه ابن حبان، ح: ١٦٠٤ والحاكم: ٢/٨٥ ووافقه الذهبي.

Chapter (...) Whoever Fights So That The Word Of Allāh Is Uppermost

2517. It was reported from Shu‘bah, from ‘Amr bin Murrah, from Abū Wā’il, from Abū Mūsā, that a Bedouin came to the Messenger of Allāh ﷺ and said: “A man fights for reputation, one

(المعجم ...) - بَابُ مَنْ قَاتَلَ لِتَكُونَ
كَلِمَةُ اللَّهِ هِيَ الْعُلْيَا (التحفة ٢٦)

٢٥١٧ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا
شُعْبَةُ عَنْ عُمَرُو بْنِ مَرَّةَ، عَنْ أَبِي وَائِلٍ، عَنْ
أَبِي مُوسَى: أَنَّ أَعْرَابِيًّا جَاءَ إِلَى رَسُولِ اللَّهِ
ﷺ فَقَالَ: إِنَّ الرَّجُلَ يُقَاتِلُ لِلذِّكْرِ، وَيُقَاتِلُ

fighters to be praised, one fights for the spoils of war, and one fights to show his bravery?" The Messenger of Allāh ﷺ said: "The one who fights so that the Word of Allāh is uppermost, then he is in the cause of Allāh, the Mighty and Sublime." (*Sahīh*)

تخريج: أخرجه البخاري، الجهاد والسير، باب من قاتل لتكون كلمة الله هي العليا، ح: ٢٨١٠ ومسلم، الإمامة، باب من قاتل لتكون كلمة الله هي العليا فهو في سبيل الله، ح: ١٩٠٤ من حديث شعبة به.

2518. (Another chain) from Shu'bah, from 'Amr, who said: "I heard Abū Wā'il narrate a *Ḥadīth* which amazed me," he then mentioned it in meaning (Similar to no. 2517). (*Sahīh*)

لِيُحْمَدَ، وَيُقَاتِلَ لِيَغْنَمَ، وَيُقَاتِلَ لِيُرَى مَكَانُهُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ قَاتَلَ حَتَّى تَكُونَ كَلِمَةُ اللَّهِ هِيَ أَعْلَى فَهُوَ فِي سَبِيلِ اللَّهِ عَزَّوَجَلَّ».

٢٥١٨ - حَدَّثَنَا عَلِيُّ بْنُ مُسْلِمٍ: حَدَّثَنَا أَبُو دَاوُدَ عَنْ شُعْبَةَ، عَنْ عَمْرِو قَالَ: سَمِعْتُ مِنْ أَبِي وَإِثْلَ حَدِيثًا أَعْجَبَنِي فَذَكَرَ مَعْنَاهُ.

تخريج: [إسناده صحيح] تقدم تخريجه، انظر الحديث السابق.

2519. It was reported from 'Abdullāh bin 'Amr, may Allāh be pleased with him, who said: "O Messenger of Allāh! Inform me about *Al-Jihād* and military expeditions." He said: "O 'Abdullāh bin 'Amr! If you fight with endurance seeking from Allāh your reward, Allāh will resurrect you showing endurance and seeking your reward from Allāh, and if you fight showing off, seeking to acquire much (of worldly gains), Allāh will resurrect you with your showing off seeking to acquire much. O 'Abdullāh bin 'Amr, with whatever intention you fight or are killed, Allāh will resurrect you in that condition." (*Hasan*)

٢٥١٩ - حَدَّثَنَا مُسْلِمٌ بْنُ حَاتِمٍ الْأَنْصَارِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا مُحَمَّدُ بْنُ أَبِي الْوَضَّاحِ عَنْ الْعَلَاءِ بْنِ عَبْدِ اللَّهِ بْنِ رَافِعٍ، عَنْ حَتَّانِ بْنِ خَارِجَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ عَبْدُ اللَّهِ بْنُ عَمْرٍو: يَا رَسُولَ اللَّهِ! أَخْبِرْنِي عَنِ الْجِهَادِ وَالْعَزْوِ: فَقَالَ: «يَا عَبْدَ اللَّهِ بْنَ عَمْرٍو! إِنْ قَاتَلْتَ صَابِرًا مُحْتَسِبًا بَعَثَكَ اللَّهُ صَابِرًا مُحْتَسِبًا، وَإِنْ قَاتَلْتَ مُرَائِيًا مُكَاثِرًا بَعَثَكَ اللَّهُ مُرَائِيًا مُكَاثِرًا، يَا عَبْدَ اللَّهِ بْنَ عَمْرٍو عَلَيَّ أَيْ حَالٍ قَاتَلْتَ أَوْ قُتِلْتَ بَعَثَكَ اللَّهُ عَلَى تِلْكَ الْحَالِ».

تخريج: [إسناده حسن] أخرجه الحاكم: ٨٥/٢، ٨٦ وصححه ووافقه الذهبي.

Chapter 25. Regarding The Virtue Of Martyrdom

2520. It was reported from Sa'eed bin Jubair, from Ibn 'Abbās, who said: "The Messenger of Allāh ﷺ said: "When your brothers were struck down at Uḥud, Allāh placed their souls inside green birds who frequent the rivers of Paradise, eating from its fruits and nestling in golden lamps hanging in the shade of the Throne (of Allāh). When they experienced the sweetness of their food, drink and rest, they said: 'Who will inform our brethren about us, that we are alive in Paradise provided with provision, so that they may not be disinterested in *Jihād* or draw back in war?' Allāh Most High said: 'I shall inform them.'" He (the narrator) said: "Then Allāh, the Mighty and Sublime revealed: 'Think not of those who are killed in the cause of Allāh as dead...' until the end of the Verse."^[1]

(*Hasan*)

تخريج: [حسن] أخرجه أحمد: ٢٦٦/١ عن عثمان بن أبي شيبة به وصححه الحاكم على شرط مسلم: ٨٨/٢، ٢٩٧ ووافقه الذهبي * ابن إسحاق صرح بالسمع وللحديث شواهد عند البيهقي في إثبات عذاب القبر، (ح: ٢١٢) بتحقيقي وغيره.

2521. Ḥasnā' bint Mu'āwīyah Aṣ-Ṣarīmīyah said: My paternal uncle (Aslam bin Sulaim) narrated to me, he said: I asked the Prophet ﷺ: "Who is in the Paradise?" He said: "The Prophet is in the Paradise, the martyr is in the Paradise, the

(المعجم ٢٥) بَابُ: فِي فَضْلِ الشَّهَادَةِ
(التحفة ٢٧)

٢٥٢٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَمَّا أُصِيبَ إِخْوَانُكُمْ بِأَحَدٍ جَعَلَ اللَّهُ أَرْوَاحَهُمْ فِي جَوْفِ طَيْرٍ خَضِرٍ تَرُدُّ أَنْهَارَ الْجَنَّةِ تَأْكُلُ مِنْ ثِمَارِهَا، وَتَأْوِي إِلَى فَنَائِدٍ مِنْ ذَهَبٍ مُعَلَّقَةٍ فِي ظِلِّ الْعَرْشِ، فَلَمَّا وَجَدُوا طَيْبَ مَا كُلُّهُمْ وَمَشَرَّيَهُمْ وَمَقِيلَهُمْ قَالُوا: مَنْ يُبْلِغُ إِخْوَانَنَا عَنَّا أَنَا أَحْيَاءُ فِي الْجَنَّةِ نُرْزَقُ لِقَلَّا يَزْهَدُوا فِي الْجِهَادِ وَلَا يَنْكَلُوا عِنْدَ الْحَرْبِ؟ فَقَالَ اللَّهُ تَعَالَى: أَنَا أَبْلَغُهُمْ عَنْكُمْ، قَالَ: وَأَنْزَلَ اللَّهُ عَزَّوَجَلَّ: ﴿وَلَا تَحْسَبَنَّ الَّذِينَ قُتِلُوا فِي سَبِيلِ اللَّهِ أَمْوَاتًا﴾ إِلَى آخِرِ الْآيَةِ [آل عمران: ١٦٩].

٢٥٢١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا عَوْفٌ: حَدَّثَنَا حَسَنَاءُ بِنْتُ مُعَاوِيَةَ الصَّرِيمِيَّةُ قَالَتْ: حَدَّثَنَا عَمِّي قَالَ: قُلْتُ لِلنَّبِيِّ ﷺ: مَنْ فِي الْجَنَّةِ؟ قَالَ: «النَّبِيُّ فِي الْجَنَّةِ، وَالشَّهِيدُ فِي الْجَنَّةِ، وَالْمَوْلُودُ فِي

^[1] *Āl 'Imrān* 3:169.

infant is in the Paradise, and a child buried alive is in the Paradise.” (Da‘īf)

الْجَنَّةِ، وَالْوَلِيدُ فِي الْجَنَّةِ.

تخريج: [إسناده ضعيف] أخرجه ابن أبي شيبة: ٣٣٩/٥ من حديث عوف الأعرابي به * حسناء مجهولة الحال، وفي الباب حديث يخالفه (٤٧١٧).

Chapter 26. Regarding The Acceptance Of The Martyr's Intercession

(المعجم ٢٦) بَابُ: فِي الشَّهِيدِ يُشَفِّعُ

(التحفة ٢٨)

2522. It was reported from Al-Walīd bin Rabāḥ Adh-Dhamārī (who said): “My paternal uncle, Nimrān bin ‘Utbah Adh-Dhamārī said: ‘We entered upon Umm Ad-Dardā’ while we were orphans. She said: “Be delighted, for I have heard Abū Ad-Dardā’ saying: ‘The Messenger of Allāh ﷺ said: The intercession of a martyr will be accepted for seventy of his family members.’”^[1] (Da‘īf)

Abū Dāwud said: What is correct is Rabāḥ bin Al-Walīd (not Al-Walīd bin Rabāḥ as mentioned in the chain of narrators).

٢٥٢٢ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا يَحْيَى بْنُ حَسَّانَ: حَدَّثَنَا الْوَلِيدُ بْنُ رَبَاحٍ الدَّمَارِيُّ: حَدَّثَنِي عَمِّي نِمْرَانُ بْنُ عُتْبَةَ الدَّمَارِيُّ قَالَ: دَخَلْنَا عَلَى أُمِّ الدَّرْدَاءِ وَنَحْنُ أَيْتَامٌ فَقَالَتْ: أَبْشِرُوا فَإِنِّي سَمِعْتُ أَبَا الدَّرْدَاءِ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «يُشَفِّعُ الشَّهِيدُ فِي سَبْعِينَ مِنْ أَهْلِ بَيْتِهِ».

قَالَ أَبُو دَاوُدَ: صَوَابُهُ رَبَاحُ بْنُ الْوَلِيدِ.

تخريج: [إسناده ضعيف] أخرجه ابن حبان، ح: ١٦١٢ من حديث يحيى بن حسان به وانظر الحديث الآتي: ٤٩٠٥ * نمران: ذكره ابن حبان في الثقات: ٥٤٤/٧ وقال: روى عنه حريز بن عثمان "ولم يثبت عن أبي داود قوله: "شيوخ حريز كلهم ثقات" فنمران: مجهول الحال.

Chapter 27. Regarding The Visible Light At The Martyr's Grave

(المعجم ٢٧) بَابُ: فِي النُّورِ يُرَى عِنْدَ

قَبْرِ الشَّهِيدِ (التحفة ٢٩)

2523. It was reported from ‘Urwah, from ‘Āishah, may Allāh be pleased with her, that she said: “When An-Najāshī died, we used

٢٥٢٣ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو الرَّازِيُّ: حَدَّثَنَا سَلَمَةُ يَعْنِي ابْنَ الْفَضْلِ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ: حَدَّثَنِي يَزِيدُ بْنُ رُوْمَانَ عَنْ عُروَةَ،

[1] Meaning, their fathers were martyred according to other versions.

to say that the visibility of light at the grave would not cease.”

(*Hasan*)

(Abū Sa‘eed said to us: “And Aḥmad bin Abdul-Jabbār narrated to us: He said: ‘Yūnus bin Bukair narrated from Ibn Ishāq’” similarly.)^[1]

عن عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: لَمَّا مَاتَ النَّجَاشِيُّ كُنَّا نَتَحَدَّثُ أَنَّهُ لَا يَزَالُ يُرَى عَلَى قَبْرِهِ نُورٌ.

[قَالَ لَنَا أَبُو سَعِيدٍ: وَحَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الْجَبَّارِ قَالَ: حَدَّثَنَا يُونُسُ بْنُ بَكَيْرٍ عَنْ ابْنِ إِسْحَاقَ نَحْوَهُ].

تخريج: [إسناده حسن] أخرجه ابن هشام في السيرة: ١/٣٦٤ (بتحقيقي) عن محمد بن إسحاق به * أبو سعيد هو ابن الأعرابي.

2524. Ubaid bin Khālīd As-Sulamī said: “The Messenger of Allāh ﷺ made a bond of brotherhood between two men, one of them was killed, and the other one died after him by a week or thereabout. We performed (the *Janāzah*) *Ṣalāh* for him. The Messenger of Allāh ﷺ asked: ‘What did you say?’ We said: ‘We supplicated for him, and we said: “O Allāh! Forgive him and join him with his companion.”’ The Messenger of Allāh ﷺ said: “So where is his *Ṣalāt* in comparison to his (companion’s) *Ṣalāt*, and his fasting in comparison to his (companion’s) fasting — (one of the narrators) Shu‘bah was not sure about: “his fasting” — “And his deeds in comparison to his (companion’s) deeds. Indeed the distance between them is like the distance between the heavens and the earth.” (*Hasan*)

٢٥٢٤ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةٍ قَالَ: سَمِعْتُ عَمْرَوَ ابْنَ مَيْمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ رَبِيعَةَ، عَنْ عُبَيْدِ بْنِ خَالِدِ السُّلَمِيِّ قَالَ: أَخَى رَسُولُ اللَّهِ ﷺ بَيْنَ رَجُلَيْنِ فَقُتِلَ أَحَدُهُمَا وَمَاتَ الْآخَرُ بَعْدَهُ بِجُمُعَةٍ أَوْ نَحْوِهَا، فَصَلَّيْنَا عَلَيْهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا قُلْتُمْ؟» فَقُلْنَا: دَعَوْنَا لَهُ وَقُلْنَا: اللَّهُمَّ! اغْفِرْ لَهُ وَآلِجِفْهُ بِصَاحِبِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «فَإِنَّ صَلَاتَهُ بَعْدَ صَلَاتِهِ، وَصَوْمُهُ بَعْدَ صَوْمِهِ» شَكَّ شُعْبَةُ فِي صَوْمِهِ، «وَعَمَلُهُ بَعْدَ عَمَلِهِ، إِنَّ بَيْنَهُمَا كَمَا بَيْنَ السَّمَاءِ وَالْأَرْضِ».

تخريج: [حسن] وأخرجه النسائي، الجنائز، باب الدعاء، ح: ١٩٨٧ من حديث شعبة به * عبدالله بن ربيعة وثقه ابن حبان وهو مختلف في صحبته فمثله: حديثه حسن.

^[1] That is Abū Sa‘eed Ibn Al-A‘rābī, who heard the text from Abū Dāwūd.

Comments:

A martyr is doubtless accorded a special status and rank, but some non-martyrs also can secure higher ranks by virtue of their unfailing sincerity, piety and abundant virtuous deeds. It is understood by some of the commentaries, that in this narration, the mention of the more exalted of deeds is regarding the second one who died, and that perhaps the Messenger of Allāh ﷺ knew of his sincerity in his good deeds. It appears that the author considered the meaning to be the opposite, based upon where he narrated it, that is, that the second man's deeds were below that of the first. And Allāh knows best.

Chapter 28. Regarding Fighting For Wages

2525. It was reported from the paternal nephew of Abū Ayyūb, from Abū Ayyūb, that he heard the Messenger of Allāh ﷺ saying: "The lands will be conquered by you, and you will be groups of armies, levied for deployments. A man will be unwilling to take part in the deployment, so he will escape from his people. Then he will go around offering himself to various tribes (for wages), saying: 'Who will hire me to take his place in such and such expedition? Who will hire me to take his place in such and such expedition?' Lo! He is a hireling until the last drop of his blood." (*Da'if*)

(المعجم ٢٨) بَابُ: فِي الْجَعَائِلِ فِي
الْغَزْوِ (التحفة ٣٠)

٢٥٢٥ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا؛ ح: وَحَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ الْمَعْنَى، وَأَنَا لِحَدِيثِهِ أَتَقَنُّ عَنْ أَبِي سَلَمَةَ سُلَيْمَانَ بْنِ سُلَيْمٍ، عَنْ يَحْيَى بْنِ جَابِرٍ الطَّائِي، عَنْ ابْنِ أَخِي أَبِي أَيُّوبَ الْأَنْصَارِيِّ، عَنْ أَبِي أَيُّوبَ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «سَتَمُتُّحُ عَلَيْكُمُ الْأَمْصَارُ، وَسَتَكُونُ جُنُودَ مُجَنَّدَةٍ يُقَطَّعُ عَلَيْكُمُ فِيهَا [بُعُوثٌ] فَيَكْرَهُ الرَّجُلُ مِنْكُمْ الْبُعْثَ فِيهَا فَيَتَخَلَّصُ مِنْ قَوْمِهِ، ثُمَّ يَتَصَفَّحُ الْقَبَائِلَ يَغْرِضُ نَفْسَهُ عَلَيْهِمْ يَقُولُ: مَنْ أَكْفَيْهِ بَعْثَ كَذَا؟ مَنْ أَكْفَيْهِ بَعْثَ كَذَا؟ أَلَا وَذَلِكَ الْأَجِيرُ إِلَى آخِرِ قَطْرَةٍ مِنْ دَمِهِ».

تخریج: [إسناده ضعيف] أخرجه أحمد: ٤١٣/٥ من حديث محمد بن حرب به * أبو سورة ابن أخي أبي أيوب: ضعيف (تقريب).

Chapter 29. The Allowance To Take Wages

2526. 'Abdullāh bin 'Amr reported the Messenger of Allāh ﷺ as

(المعجم ٢٩) - بَابُ الرُّخْصَةِ فِي أَخْلِ
الْجَعَائِلِ (التحفة ٣١)

٢٥٢٦ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ الْحَسَنِ الْمُصَيِّصِيُّ: حَدَّثَنَا حَجَّاجٌ يَعْنِي ابْنَ مُحَمَّدٍ؛

saying: "The warrior gets his reward, and the one who finances the warrior gets his reward, and the reward of the warrior."^[1] (*Ṣaḥīḥ*)

ح: وَحَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ شُعَيْبٍ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ اللَّيْثِ بْنِ سَعْدٍ، عَنْ حَيَّوَةَ بْنِ شُرَيْحٍ، عَنْ ابْنِ شُفَّيٍّ، عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ ابْنِ عَمْرٍو أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لِلْغَازِي أَجْرُهُ، وَلِلْجَاعِلِ أَجْرُهُ وَأَجْرُ الْغَازِي».

تخریج: [إسناده صحيح] أخرجه أحمد: ۱۷۴/۳ من حديث الليث بن سعد به وصححه ابن الجارود، ح: ۱۰۳۹ وانظر، ح: ۲۴۸۷.

Chapter 30. A Man Who Fights For The Wages Of His Service

(المعجم ۳۰) بَابُ: فِي الرَّجُلِ يَغْزُو بِأَجْرِ الْخِدْمَةِ (التحفة ۳۲)

2527. It was reported from Ya'lā bin Munyah, who said: "The Messenger of Allāh ﷺ announced an expedition, and I was an old man and I had no servant. I looked for someone to hire who could take my place, and he would receive his share. So I found a man who at the time of departure came to me and said: 'I do not know, what are the shares? And what will my share be? So fix an amount (as wages) for me, whether there are any shares or not.' So I offered him three Dinars. When the spoils of war arrived, I wanted to offer him his share, but then I remembered the Dinars. I came to the Prophet ﷺ and mentioned the issue to him. He said: 'I do not find for him — in this expedition of his — in this world and in the Hereafter, except for those Dinars which were offered.'" (*Ṣaḥīḥ*)

۲۵۲۷ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي عَاصِمُ بْنُ حَكِيمٍ عَنْ يَحْيَى بْنِ أَبِي عَمْرٍو السَّيَّانِي، عَنْ عَبْدِ اللَّهِ بْنِ الدَّيْلَمِيِّ أَنَّ يَعْلىَ بْنَ مُثَنَّى قَالَ: أَدْنَى رَسُولُ اللَّهِ ﷺ بِالْغَزْوِ وَأَنَا شَيْخٌ كَبِيرٌ لَيْسَ لِي خَادِمٌ، فَالْتَمَسْتُ أَجِيرًا يَكْفِينِي، وَأُجْرِي لَهُ سَهْمُهُ، فَوَجَدْتُ رَجُلًا، فَلَمَّا دَنَا الرَّحِيلُ أَتَانِي فَقَالَ: مَا أَذْرِي مَا السُّهُمَانُ؟ وَمَا يَبْلُغُ سَهْمِي؟ فَسَمَّ لِي شَيْئًا كَانَ السُّهُمُ أَوْ لَمْ يَكُنْ، فَسَمَّيْتُ لَهُ ثَلَاثَةَ دَنَانِيرَ فَلَمَّا حَضَرَتْ غَنِيمَتُهُ أَرَدْتُ أَنْ أُجْرِي لَهُ سَهْمُهُ فَذَكَرْتُ الدَّنَانِيرَ، فَجِئْتُ النَّبِيَّ ﷺ فَذَكَرْتُ لَهُ أَمْرَهُ فَقَالَ: «مَا أَجِدُ فِي غَزَوَتِهِ هُذِهِ فِي الدُّنْيَا وَالْآخِرَةِ إِلَّا دَنَانِيرُهُ الَّتِي سَمَّى».

[1] See no. 2509.

تخريج: [إسناده صحيح] أخرجه البيهقي: ٣٣١/٦ من حديث أحمد بن صالح به وصححه الحاكم على شرط الشيخين: ١١٢/٢ ووافقه الذهبي.

Comments:

In case of need, a believer is allowed to engage a hireling to perform *Jihād* etc. on his behalf. The reward for his participation in such an expedition shall, however, depend on the purity of his intention and the degree of his sincerity in performing the act. If he really means to achieve the pleasure and closeness to the mercy of Allāh through his action, he would get a double benefit, viz. spoils of war and reward from Allāh in the Hereafter.

Chapter 31. Regarding A Man Who Goes To Battle While His Parents Object

2528. It was reported from Sufyān, (who said): “‘Aṭā’ bin As-Sā’ib narrated to us, from his father, from ‘Abdullāh bin ‘Amr who said: ‘A man came to the Messenger of Allāh ﷺ, and said: “I came to you to pledge allegiance to emigrate and I have left behind my parents weeping.” He said: “Go back to them, and make them smile as you have made them weep.” (*Hasan*)

تخريج: [إسناده حسن] أخرجه النسائي في الكبرى، ح: ٨٦٩٦ من حديث سفيان الثوري، وأحمد: ١٦٠/٢ عن سفيان بن عيينة به وصححه ابن حبان (الإحسان): ٤٠٢٤ والحاكم: ١٥٢/٤، ١٥٣ ووافقه الذهبي.

2529. It was reported from Sufyān, from Ḥabīb bin Abī Thābit, from Abul-‘Abbās, from ‘Abdullāh bin ‘Amr, who said: “A man came to the Prophet ﷺ and said: ‘O Messenger of Allāh! Shall I engage in *Jihād*?’ He said: ‘Do you have parents?’ He said: ‘Yes.’ He said: ‘Strive in looking after them.’” (*Ṣaḥīḥ*)

Abū Dāwūd said: This Abul-‘Abbās is Ash-Shā’ir (the poet), his name is As-Sā’ib bin Farrūkh.

(المعجم ٣١) بَابُ: فِي الرَّجُلِ يَغْزُو
وَأَبَوَاهُ كَارِهَانِ (التحفة ٣٣)

٢٥٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا
سُفْيَانُ: حَدَّثَنَا عَطَاءُ بْنُ الشَّائِبِ عَنْ أَبِيهِ،
عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: جَاءَ رَجُلٌ إِلَى
رَسُولِ اللَّهِ ﷺ فَقَالَ: جِئْتُ أَبَايَ عَلَى
الْهِجْرَةِ وَتَرَكْتُ أَبَوَيَّ يَبْكِيَانِ، قَالَ: «ارْجِعْ
فَأَصْحِكْهُمَا كَمَا أَبْكَيْتَهُمَا».

٢٥٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا
سُفْيَانُ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ أَبِي
الْعَبَّاسِ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: جَاءَ
رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ!
أُجَاهِدُ؟ قَالَ: «أَلَيْكَ أَبَوَانِ؟» قَالَ: نَعَمْ،
قَالَ: «فَفِيهِمَا فَجَاهِدْ».

قَالَ أَبُو دَاوُدَ: أَبُو الْعَبَّاسِ هَذَا الشَّاعِرُ
اسْمُهُ الشَّائِبُ بْنُ فَرُوخَ.

تخريج: أخرجه البخاري، الجهاد والسير، باب الجهاد بإذن الأبوين، ح: ٣٠٠٤، ومسلم، البر والصلة، باب بر الوالدين وأيهما أحق به، ح: ٢٥٤٩ من حديث سفيان الثوري به.

Comments:

Looking after and taking care of one's parents is the foremost duty of Muslim children. Such service is given preference over any fighting.

2530. It was reported from Abū Al-Haitham, from Abū Sa'eed Al-Khudrī, that a man emigrated to the Messenger of Allāh ﷺ from Yemen. He asked: "Do you have anybody in Yemen?" He said: "My parents." He asked: "Did they give you permission?" He said: "No." He said: "Go back and seek their permission. If they give you permission, then go for *Jihād*, and if not, then devote yourself to their wellbeing." (*Da'if*)

٢٥٣٠ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ أَنَّ دَرَّاجًا أَبَا السَّمْحِ حَدَّثَهُ عَنْ أَبِي الْهَيْثَمِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّ رَجُلًا هَاجَرَ إِلَى رَسُولِ اللَّهِ ﷺ مِنَ الْيَمَنِ فَقَالَ: «هَلْ لَكَ أَحَدٌ بِالْيَمَنِ؟» فَقَالَ: أَبَوَايَ، فَقَالَ: «إِنَّا لَكَ؟» قَالَ: لَا. قَالَ: «ارْجِعْ إِلَيْهِمَا فَاسْتَأْذِنْهُمَا فَإِنْ إِذْنَا لَكَ فَجَاهِدْ وَإِلَّا فَبِرَّهُمَا».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٧٥/٣ من حديث دراج به وسنده ضعيف، وهو في سنن سعيد بن منصور، ح: ٢٣٣٤ والحديث السابق: ٢٥٢٩ يغني عنه.

Chapter 32. Regarding Women Participating In Battle

(المعجم ٣٢) **بَابُ: فِي النِّسَاءِ يَغْزُونَ**
(التحفة ٣٤)

2531. It was reported from Anas, who said: "The Messenger of Allāh ﷺ used to take Umm Sulaim and few other women from the *Anṣār* on expeditions. They would supply water and tend to the injured." (*Ṣaḥīḥ*)

٢٥٣١ - حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ مُطَهَّرٍ: حَدَّثَنَا جَعْفَرُ بْنُ سُلَيْمَانَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَغْزُو بِأُمَّ سُلَيْمٍ وَنِسْوَةٍ مِنَ الْأَنْصَارِ لِيَسْقِيَنَّ الْمَاءَ وَيُدَاوِينَ الْجُرْحَى.

تخريج: أخرجه مسلم، الجهاد والسير، باب غزوة النساء مع الرجال، ح: ١٨١٠ من حديث جعفر بن سليمان به.

Comments:

Women can attend to the needs of fighters in the cause of Allāh. These duties may be performed by women in proper *Hijāb*. It is, therefore, necessary that the women chosen for the job should have been trained for the purpose.

Chapter 33. Regarding Fighting Against The Tyrant Rulers

2532. It was reported from Anas bin Mālik, that he said: "The Messenger of Allāh ﷺ said: 'Three things are from the basis of Faith: To refrain from (killing) a person who utters: None has the right to be worshiped but Allāh, and not to declare a person a disbeliever for committing a sin, and not to expel him from Islam by an action. And, *Jihād* abides, since the day Allāh dispatched me (as a Prophet) until the last of my nation fight *Ad-Dajjāl*. *Jihād* will not be invalidated by the tyranny of a tyrant nor the justice of one who is just. And, to have Faith in the Divine Decree."

(*Da'if*)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٥٦/٩ من حديث أبي داود به وهو في سنن سعيد بن منصور، ح: ٢٣٦٧ * يزيد بن أبي نشبة: مجهول (تقريب).

2533. It was reported from Makhūl from Abū Hurairah, that he said: "The Messenger of Allāh ﷺ said: '*Jihād* is obligatory on you with every commander, righteous or wicked, and the prayer is binding behind every Muslim, righteous or wicked, even if he commits major sins. And (funeral) prayer is obligatory for every Muslim, whether, righteous or wicked even if he commits major sins.'"^[1]

(*Da'if*)

تخريج: [إسناده ضعيف] تقدم، ح: ٥٩٤ وأخرجه البيهقي: ١٢١/٣ من حديث أبي داود به.

(المعجم ٣٣) بَابُ: فِي الْعَزْوِ مَعَ أُمَّةِ الْجَوْرِ (التحفة ٣٥)

٢٥٣٢ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا جَعْفَرُ بْنُ بُرْقَانَ عَنْ يَزِيدَ ابْنِ أَبِي نُشْبَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثَلَاثٌ مِنْ أَصْلِ الْإِيمَانِ: الْكَفُّ عَنْ مَنْ قَالَ لَا إِلَهَ إِلَّا اللَّهُ وَلَا تُكْفِرُهُ بِذَنْبٍ وَلَا تُخْرِجُهُ مِنَ الْإِسْلَامِ بِعَمَلٍ، وَالْجِهَادُ مَا ضَمُّهُ بَعَثَنِي اللَّهُ إِلَى أَنْ يُقَاتِلَ آخِرُ أُمَّتِي الدَّجَالَ لَا يُنْظِلُهُ جَوْرٌ جَائِرٍ وَلَا عَدْلٌ عَادِلٍ، وَالْإِيمَانُ بِالْأَقْدَارِ».

٢٥٣٣ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ الْعَلَاءِ بْنِ الْحَارِثِ، عَنْ مَكْحُولٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْجِهَادُ وَاجِبٌ عَلَيْكُمْ مَعَ كُلِّ أَمِيرٍ بَرٍّ أَوْ فَاجِرٍ، وَالصَّلَاةُ وَاجِبَةٌ عَلَيْكُمْ خَلْفَ كُلِّ مُسْلِمٍ بَرٍّ أَوْ فَاجِرٍ وَإِنْ عَمِلَ الْكَبَائِرُ، وَالصَّلَاةُ وَاجِبَةٌ عَلَى كُلِّ مُسْلِمٍ بَرٍّ أَوْ فَاجِرٍ وَإِنْ عَمِلَ الْكَبَائِرُ».

[1] Part of this narration preceded, see number 594.

Chapter 34. A Person Being Transported For Battle At The Expense Of Others

2534. It was reported from Nubaiḥ Al-ʿAnazī from Jābir bin ʿAbdullāh, that he narrated from the Messenger of Allāh ﷺ, when he intended to go on an expedition, he said: “O people of the Emigrants (*Muhājirūn*) and Helpers (*Anṣār*)! Among your brothers are some who do not have wealth, nor any family. All of you should share your riding beast with two or three others.” So there was none of us with a ride but he shared it equally with others in turns. That is, with one of them. He (Jābir) said: “I therefore took two or three persons with me. I rode on my camel taking turns like one of them.” (*Hasan*)

(المعجم ٣٤) - بَابُ الرَّجُلِ يَتَحَمَّلُ بِمَالٍ غَيْرِهِ يَغْزُو (التحفة ٣٦)

٢٥٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ سُلَيْمَانَ الْأَنْبَارِيُّ: حَدَّثَنَا عُبَيْدَةُ بْنُ حُمَيْدٍ عَنِ الْأَسْوَدِ ابْنِ قَيْسٍ، عَنْ نُبَيْحِ الْعَنْزِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: حَدَّثَ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ أَرَادَ أَنْ يَغْزُو قَالَ: «يَا مَعْشَرَ الْمُهَاجِرِينَ وَالْأَنْصَارِ! إِنَّ مِنْ إِخْوَانِكُمْ قَوْمًا لَيْسَ لَهُمْ مَالٌ وَلَا عَشِيرَةٌ فَلْيَضْمُ أَحَدُكُمْ إِلَيْهِ الرَّجُلَيْنِ أَوْ الثَّلَاثَةَ فَمَا لِأَحَدِنَا مِنْ ظَهْرٍ يَحْمِلُهُ إِلَّا عُقْبَةٌ كَعُقْبَةٍ» يَعْنِي أَحَدُهُمْ قَالَ: فَضَمَمْتُ إِلَيَّ اثْنَيْنِ أَوْ ثَلَاثَةً - قَالَ - : مَا لِي إِلَّا عُقْبَةٌ كَعُقْبَةِ أَحَدٍ مِنْ جَمَلِي.

تخريج: [حسن] أخرجه أحمد: ٣/٣٥٨ من حديث عبيدة بن حميد به وصححه الحاكم: ٢/٩٠ ووافقه الذهبي.

Chapter 35. Regarding A Person Going To Battle, Seeking Reward And Spoils Of War

2535. Ibn Zughb Al-Ayādī reported that ʿAbdullāh bin Hawālah Al-Azdī visited him, and narrated to him saying: “The Messenger of Allāh ﷺ sent us on foot to get the spoils, but we returned without any spoils. When he saw the signs of grief in our faces, he stood up and said: ‘O Allāh! Do not make them dependent on me, for I would be too weak to take care of them, and do not make them dependent on

(المعجم ٣٥) بَابُ: فِي الرَّجُلِ يَغْزُو يَلْتَمِسُ الْأَجْرَ وَالْغَنِيمَةَ (التحفة ٣٧)

٢٥٣٥ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا أَسَدُ بْنُ مُوسَى: حَدَّثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ: حَدَّثَنِي ضَمْرَةُ أَنَّ ابْنَ زُغَبِ الْأَيَادِيِّ حَدَّثَهُ قَالَ: نَزَلَ عَلَيَّ عَبْدُ اللَّهِ ﷺ بِنُ حَوَالَةِ الْأَزْدِيِّ فَقَالَ لِي: بَعَثْنَا رَسُولُ اللَّهِ ﷺ لِنَعْنَمَ عَلَى أَقْدَامِنَا، فَرَجَعْنَا فَلَمْ نَعْنَمْ شَيْئًا وَعَرَفَ الْجُهْدَ فِي وُجُوهِنَا، فَقَامَ فِينَا فَقَالَ: «اللَّهُمَّ! لَا تَكِلْهُمْ إِلَيَّ فَأَضْعَفَ عَنْهُمْ وَلَا تَكِلْهُمْ إِلَى

themselves, for they will be incapable of that. And do not make them dependent on people, as they will choose the best for themselves.' Then he placed his hands on my head, and said: 'O Ibn Hawālah! When you see the *Khilāfah* has settled in the Holy Land, then earthquakes, sorrows and tremendous events have drawn near. And on that day, the last hour will be nearer to mankind than this hand of mine from your head.' (*Hasan*)

Abū Dāwud said: 'Abdullāh Ibn Hawālah is Himṣī.

تخريج: [إسناده حسن] أخرجه أحمد: ٢٨٨/٥ من حديث معاوية بن صالح به وصححه الحاكم: ٤/٤٢٥ ووافقه الذهبي.

Chapter 36. A Person Who Sells His Self (For The Sake Of Allāh)

2536. It was reported from Murrah Al-Hamdānī from 'Abdullāh bin Mas'ūd, who said: "The Messenger of Allāh ﷺ said: 'Our Lord, the Mighty and Sublime, admires a man who goes to battle in the cause of Allāh, the Mighty and Sublime, and they retreat' — meaning his companions — 'but he knows what is required of him, so he returns until his blood is shed. Allāh, the Mighty and Sublime, says to His Angels: "Look at my slave. He came back desiring what I have for him (reward), and fearing what I have (punishment), until his blood was shed."' (*Hasan*)

أَنْفُسِهِمْ فَيَعْجِزُوا عَنْهَا وَلَا تَكِلُهُمْ إِلَى النَّاسِ فَيَسْتَأْثِرُوا عَلَيْهِمْ»، ثُمَّ وَصَعَ يَدَهُ عَلَى رَأْسِي أَوْ عَلَى هَامَتِي ثُمَّ قَالَ: «يَا ابْنَ حَوَالَةَ! إِذَا رَأَيْتَ الْخِلَافَةَ قَدْ نَزَلَتْ أَرْضَ الْمُقَدَّسَةِ فَقَدْ دَنَتْ الزَّلَازِلُ وَالْبَلَالِيلُ وَالْأُمُورُ الْعِظَامُ، وَالسَّاعَةُ يَوْمَئِذٍ أَقْرَبُ مِنَ النَّاسِ مِنْ يَدِي هَذِهِ مِنْ رَأْسِكَ».

قَالَ أَبُو دَاوُدَ: عَبْدُ اللَّهِ بْنُ حَوَالَةَ حِمِصِي.

(المعجم ٣٦) بَابُ: فِي الرَّجُلِ يَشْرِي نَفْسَهُ (التحفة ٣٨)

٢٥٣٦ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: أَخْبَرَنَا حَمَّادٌ: أَخْبَرَنَا عَطَاءُ بْنُ السَّائِبِ عَنْ مَرَّةَ الْهَمْدَانِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَجِبْتُ رَبُّنَا عَزَّوَجَلَّ مِنْ رَجُلٍ غَزَا فِي سَبِيلِ اللَّهِ عَزَّوَجَلَّ فَأَنْهَزَمَ» يَعْنِي أَصْحَابَهُ «فَعَلِمَ مَا عَلَيْهِ فَرَجَعَ حَتَّى أَهْرَيْقَ دَمُهُ فَيَقُولُ اللَّهُ عَزَّوَجَلَّ لِمَلَايِكَتِهِ: انظُرُوا إِلَى عَبْدِي رَجَعَ رَعْبَةً فِيمَا عِنْدِي، وَشَفَقَةً مِمَّا عِنْدِي حَتَّى أَهْرَيْقَ دَمُهُ».

تخريج: [إسناده حسن] أخرجه أحمد: ٤١٦/١ من حديث حماد بن سلمة به، وصححه ابن حبان، ح: ٦٤٣، ٦٤٤.

Chapter 37. A Person Who Accepts Islam, And Is Killed In The Same Spot, In The Cause Of Allāh, The Most High

(المعجم ٣٧) بَابُ: فِيمَنْ يُسْلِمُ وَيُقْتَلُ مَكَانَهُ فِي سَبِيلِ اللَّهِ تَعَالَى (التحفة ٣٩)

2537. It was reported from Muḥammad bin ‘Amr, from Abū Salamah, from Abū Hurairah, that ‘Amr bin Uqaish had dealt in *Ribā* during *Jāhiliyyah*, so he did not like to accept Islam without retrieving it. He came during the battle of Uḥud and said: “Where are my paternal cousins?” They replied: “At Uḥud.” He said: “Where is so-and-so?” They replied: “At Uḥud.” He said: “Where is so-and-so?” They replied: “At Uḥud.” He then got dressed in his coat of armor, mounted his horse and proceeded towards them. When the Muslims saw him they said: “Stay away from us O ‘Amr!” He said: “I have become a believer.” He fought until he was wounded. He was carried to his family, injured. Sa’d bin Mu’ādh visited him, and said to his sister: “Ask him, why did he fight; out of partisanship for his people, or out of anger for them, or out of anger of Allāh?” He said: “Out of anger of Allāh and His Messenger.” He then died, and entered Paradise, and he had not performed a single *Ṣalāt* for Allāh. (*Hasan*)

٢٥٣٧ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا مُحَمَّدُ بْنُ عَمْرٍو عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ عَمْرُو بْنَ أَقْيَشٍ كَانَ لَهُ رَبَا فِي الْجَاهِلِيَّةِ فَكَرِهَ أَنْ يُسْلِمَ حَتَّى يَأْخُذَهُ فَجَاءَ يَوْمَ أُحُدٍ، فَقَالَ: أَيْنَ بَنُو عَمِّي؟ قَالُوا: بِأُحُدٍ قَالَ: أَيْنَ فُلَانٌ؟ قَالُوا: بِأُحُدٍ قَالَ: أَيْنَ فُلَانٌ؟ قَالُوا: بِأُحُدٍ فَلَيْسَ لِأَمَّتِهِ وَرَكِبَ فَرَسَهُ ثُمَّ تَوَجَّهَ فَبَلَغَهُمْ فَلَمَّا رَأَى الْمُسْلِمُونَ قَالُوا: إِلَيْكَ عَنَّا يَا عَمْرُو! قَالَ: إِنِّي قَدْ آمَنْتُ. فَقَاتَلَ حَتَّى جُرِحَ فَحُمِلَ إِلَى أَهْلِهِ جَرِيحًا فَجَاءَهُ سَعْدُ بْنُ مُعَاذٍ فَقَالَ لِأُخْتِهِ: سَلِيهِ، حَمِيَّةٌ لِقَوْمِكَ أَوْ غَضَبًا لَهُمْ أَمْ غَضَبًا لِلَّهِ؟ فَقَالَ: بَلَى غَضَبًا لِلَّهِ وَلِرَسُولِهِ، فَمَاتَ فَدَخَلَ الْجَنَّةَ وَمَا صَلَّى لِلَّهِ صَلَاةً.

تخريج: [إسناده حسن] أخرجه البيهقي في دلائل النبوة: ٢٣٧/٣ من حديث أبي داود به، وصححه الحاكم على شرط مسلم: ١١٣/٢ ووافقه الذهبي وحسنه الحافظ في الإصابة وللحديث

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Chapter 38. Regarding A Man Who Dies By His Own Weapon

(المعجم ٣٨) بَابُ: فِي الرَّجُلِ يَمُوتُ

بِسِلَاحِهِ (التحفة ٤٠)

2538. It was reported from Salamah bin Al-Akwa' who said: "In the battle of Khaiibar my brother fought fiercely. His sword rebounded back upon him and killed him, thus the Companions of the Messenger of Allāh ﷺ started talking about that and having doubts, saying: 'A man dieing by his own weapon.' The Messenger of Allāh ﷺ said: 'He died striving as a *Mujāhid*.'" — (One of the narrators) Ibn Shihāb said: "Then I asked the son of Salamah bin Al-Akwa', and he narrated it to me from his father, similarly, except that he said: 'Then the Messenger of Allāh ﷺ said: "They lied, he died striving as a *Mujāhid*, so he will have his rewards, twice.'" (*Sahih*)

٢٥٣٨ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ وَعَبْدُ اللَّهِ بْنُ كَعْبٍ بْنِ مَالِكٍ. قَالَ أَبُو دَاوُدَ: قَالَ أَحْمَدُ: كَذَا قَالَ هُوَ يَعْنِي ابْنَ وَهْبٍ وَعَنْبَسَهُ يَعْنِي ابْنَ خَالِدٍ جَمِيعًا عَنْ يُونُسَ، قَالَ أَحْمَدُ: وَالصَّوَابُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ: أَنَّ سَلَمَةَ بْنَ الْأَكْوَعِ قَالَ: لَمَّا كَانَ يَوْمَ خَيْبَرَ قَاتَلَ أَخِي قِتَالًا شَدِيدًا فَارْتَدَّتْ عَلَيْهِ سَيْفُهُ فَقَتَلَهُ فَقَالَ أَصْحَابُ رَسُولِ اللَّهِ ﷺ فِي ذَلِكَ وَشَكُّوا فِيهِ: رَجُلٌ مَاتَ بِسِلَاحِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَاتَ جَاهِدًا مُجَاهِدًا» قَالَ ابْنُ شِهَابٍ: ثُمَّ سَأَلْتُ ابْنَ سَلَمَةَ بْنِ الْأَكْوَعِ؟ فَحَدَّثَنِي عَنْ أَبِيهِ بِمِثْلِ ذَلِكَ، غَيْرَ أَنَّهُ قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «كَذَبُوا، مَاتَ جَاهِدًا مُجَاهِدًا فَلَهُ أَجْرُهُ مَرَّتَيْنِ».

تخریج: أخرجه مسلم، الجهاد والسير، باب غزوة خيبر، ح: ١٨٠٢ من حديث عبدالله بن وهب به.

2539. It was reported from Mu'āwiyah bin Abī Sallām, from his father, from his grandfather Abū Sallām, from a man among the Companions of the Prophet ﷺ, who said: "We attacked a tribe

٢٥٣٩ - حَدَّثَنَا هِشَامُ بْنُ خَالِدٍ الدَّمَشَقِيُّ: حَدَّثَنَا الْوَلِيدُ عَنْ مُعَاوِيَةَ بْنِ أَبِي سَلَامٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَبِي سَلَامٍ، عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ قَالَ: أَعْرَضْنَا

from Juḥainah. One of the Muslims pursued a man from them. He struck at him but missed, and injured himself with the sword. The Messenger of Allāh ﷺ said: 'Your brother, O group of Muslims!' The people rushed towards him, but found him dead. So the Messenger of Allāh ﷺ wrapped him in his garments with his blood, and offered the (funeral) prayer for him, and buried him. They said: 'O Messenger of Allāh! Is he a martyr?' He said: 'Yes, and I am a witness for him.' (Da'if)

عَلَى حَيٍّ مِنْ جُهَيْنَةَ فَطَلَبَ رَجُلٌ مِنَ الْمُسْلِمِينَ رَجُلًا مِنْهُمْ فَضَرَبَهُ فَأَخْطَأَهُ وَأَصَابَ نَفْسَهُ بِالسَّيْفِ، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «أَخُوكُمْ يَا مَعْشَرَ الْمُسْلِمِينَ!» فَأَبْتَدَرَهُ النَّاسُ فَوَجَدُوهُ قَدْ مَاتَ، فَلَفَّهُ رَسُولُ اللَّهِ ﷺ بِثِيَابِهِ وَدَمَائِهِ وَصَلَّى عَلَيْهِ وَدَفَنَهُ، فَقَالُوا: يَا رَسُولَ اللَّهِ! أَشَهِيدٌ هُوَ؟ قَالَ: «نَعَمْ، وَأَنَا لَهُ شَهِيدٌ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١١٠/٨ من حديث أبي داود به * الوليد بن مسلم: لم يصرح بالسماع المسلسل وسلام بن أبي سلام: مجهول (تقريب).

Chapter 39. Supplication When Meeting (The Enemy)

(المعجم ٣٩) - بَابُ الدُّعَاءِ عِنْدَ اللَّقَاءِ (التحفة ٤١)

2540. It was reported from Mūsā bin Ya'qūb Az-Zam'ī, from Abū Ḥazim, from Sahl bin Sa'd who said: "The Messenger of Allāh ﷺ said: 'Two supplications are not turned back,' or 'rarely turned back: The supplication at the time of the call (to prayer), and at the time of battle when the two sides engage.'" (Ṣaḥīḥ)

Mūsā said: "And Rizq bin Sa'eed bin 'Abdur-Raḥmān narrated to me, from Abū Ḥazim, from Sahl bin Sa'd, from the Prophet ﷺ: '...and during the rain.'"

٢٥٤٠ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ: حَدَّثَنَا مُوسَى بْنُ يَعْقُوبَ الرَّزْمِيُّ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «ثِنْتَانِ لَا تُرَدَّانِ أَوْ قَلَّ مَا تُرَدَّدَانِ: الدُّعَاءُ عِنْدَ النَّدَاءِ، وَعِنْدَ الْبَاسِ حِينَ يُلْحِمُ بَعْضُهُ بَعْضًا».

قال موسى: وَحَدَّثَنِي رِزْقُ بْنُ سَعِيدٍ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي حَازِمٍ، عَنْ سَهْلِ بْنِ سَعْدٍ عَنِ النَّبِيِّ ﷺ: «وَتَحْتَ الْمَطَرِ».

تخريج: [صحيح] أخرجه الدارمي، ح: ١٠٢٣ من حديث ابن أبي مريم به وصححه ابن خزيمة، ح: ٤١٩ وللحديث شواهد عند ابن حبان (الإحسان): ١٧١٧، ١٧٦١ وغيره، وصححه ابن الجارود، ح: ١٠٦٩ والحاكم: ١/١٩٨، ٢/١١٣، ١١٤ ووافقه الذهبي وحديث رزق بن سعيد

ضعيف، لجهالة حاله.

Comments:

Calling the *Adhān* and engaging in *Jihād* are both means of exalting the Word of Allāh. Therefore, supplications made at these times are blessed with acceptance by Allāh.

Chapter 40. Regarding A Person Who Asks Allāh For Martyrdom

2541. It was reported from Mu‘ādh bin Jabal that he heard the Messenger of Allāh ﷺ say: “Whoever fights in the cause of Allāh as long as the time between two milkings of a she-camel, Paradise is guaranteed for him. And whoever asks Allāh with sincerity in his soul to be killed, and then dies, or is killed, he will have the reward of a martyr.”

(One of the narrators) Ibn Al-Muṣaffā added in his narration from here onwards: “And whoever gets wounded in the cause of Allāh, or suffers injury, it (the injury) will come on the Day of Resurrection flowing more abundantly than ever, its color will be the color of saffron, and its fragrance the fragrance of musk. And whoever suffers from an ulcerated wound in the cause of Allāh, the Mighty and Sublime, then upon him will be the stamp of the martyrs.” (*Ṣaḥīḥ*)

تخريج: [صحيح] أخرجه البيهقي في شعب الإيمان، ح: ٤٢٥١ من حديث أبي داود به مختصراً ولم يذكر هشام بن خالد، ورواه النسائي، ح: ٣١٤٣ والترمذي: ١٦٥٧ وقال: "صحيح".

Comments:

A she-camel once milked is given a few minutes' respite before being milked again. The Arabic term for this interval is *Fuwāq*. Sincerity of intention can take a man to such great height and ranks where no one, in the ordinary course of action, would even hope to reach.

(المعجم ٤٠) بَابُ: فِيمَنْ سَأَلَ اللَّهَ
الشَّهَادَةَ (التحفة ٤٢)

٢٥٤١ - حَدَّثَنَا هِشَامُ بْنُ خَالِدٍ أَبُو مَرْوَانَ
وَابْنُ الْمُصَفَّى قَالَا: حَدَّثَنَا بَقِيَّةٌ عَنْ ابْنِ
تَوْبَانَ، عَنْ أَبِيهِ يَرُدُّ إِلَى مَكْحُولٍ إِلَى مَالِكِ
ابْنِ يَحْمَرَ أَنَّ مُعَاذَ بْنَ جَبَلٍ حَدَّثَهُمْ أَنَّهُ
سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ قَاتَلَ فِي
سَبِيلِ اللَّهِ فُوقَ نَاقَةٍ فَقَدْ وَجِبَتْ لَهُ الْجَنَّةُ،
وَمَنْ سَأَلَ اللَّهَ الْقَتْلَ مِنْ نَفْسِهِ صَادِقًا ثُمَّ مَاتَ
أَوْ قُتِلَ فَإِنَّ لَهُ أَجْرَ شَهِيدٍ». زَادَ ابْنُ الْمُصَفَّى
مِنْ هُنَا: «وَمَنْ جُرِحَ جُرْحًا فِي سَبِيلِ اللَّهِ،
أَوْ نُكِبَ نَكْبَةً، فَإِنَّهَا تَجِيءُ يَوْمَ الْقِيَامَةِ كَأَغْزَرِ
مَا كَانَتْ، لَوْ أَنَّ لَوْنَ الزَّعْفَرَانِ وَرِيحَهَا رِيحُ
الْمِسْكِ، وَمَنْ خَرَجَ بِهِ خُرَاجٌ فِي سَبِيلِ اللَّهِ
عَزَّوَجَلَّ فَإِنَّ عَلَيْهِ طَابَعَ الشُّهَدَاءِ».

Chapter 41. Regarding It Being Disliked To Clip The Forelocks and Tails of Horses

2542. It was reported from ‘Utbah bin ‘Abd As-Sulamī, that he heard the Messenger of Allāh ﷺ saying: “Do not clip the forelocks, manes, or tails of horses. For they use their tails to drive away flies, and their manes provide them with warmth, and the goodness is tied in their forelocks.” (*Da‘īf*)

(المعجم ٤١) بَابُ: فِي كَرَاهِيَةِ جَزِّ نَوَاصِي الْخَيْلِ وَأُذُنَابِهَا (التحفة ٤٣)

٢٥٤٢ - حَدَّثَنَا أَبُو تَوْبَةَ عَنْ الْهَيْثَمِ بْنِ حُمَيْدٍ، ح: وَحَدَّثَنَا خُسَيْسُ بْنُ أَصْرَمَ: حَدَّثَنَا أَبُو عَاصِمٍ جَمِيعًا عَنْ ثَوْرٍ بْنِ يَزِيدَ، عَنْ نَصْرِ الْكِنَانِيِّ، عَنْ رَجُلٍ، وَقَالَ أَبُو تَوْبَةَ: عَنْ ثَوْرٍ بْنِ يَزِيدَ عَنْ شَيْخٍ مِنْ بَنِي سُلَيْمٍ، عَنْ عُثْبَةَ بْنِ عَبْدِ السَّلْمِيِّ وَهَذَا لَفْظُهُ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تَقْصُوا نَوَاصِيَ الْخَيْلِ وَلَا مَعَارِفَهَا وَلَا أُذُنَابَهَا، فَإِنَّ أُذُنَابَهَا مَذَابُهَا وَمَعَارِفَهَا دِفَاؤُهَا، وَنَوَاصِيهَا مَعْقُودٌ فِيهَا الْخَيْرُ».

تخریج: [إسناده ضعيف] أخرجه البيهقي: ٣٣١/٦ من حديث أبي داود به رواه أحمد: ٤/ ١٨٣ * نصر الكناني: مستور، رجل: لم أعرفه ولبعض الحديث شواهد ضعيفة.

Chapter 42. Regarding What Colors Are Recommended In Horses

2543. It was reported from Muḥammad bin Muḥājir Al-Anṣārī, (he said): “‘Aqīl bin Shabīb narrated to me, from Abū Wahb Al-Jushamī, who was a Companion, who said: ‘The Messenger of Allāh ﷺ said: “You should seek out *Kumair*^[1] horses with a white mark on the face and white feet, or red (*Ashqar*) with a white mark on the face and white feet, or black with a white mark on the face and white feet.” (*Da‘īf*)

(المعجم ٤٢) بَابُ: فِيمَا يُسْتَحَبُّ مِنَ أَلْوَانِ الْخَيْلِ (التحفة ٤٤)

٢٥٤٣ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا هِشَامُ بْنُ سَعِيدٍ الطَّلَاقَانِيُّ: أَخْبَرَنَا مُحَمَّدُ بْنُ مُهَاجِرٍ الْأَنْصَارِيُّ: حَدَّثَنِي عَقِيلُ بْنُ شَيْبٍ عَنْ أَبِي وَهَبٍ الْجُشَمِيِّ وَكَانَتْ لَهُ صُحْبَةٌ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَلَيْكُمْ بِكُلِّ كُمَيْتٍ أَعْرَ مُحَجَّلٍ أَوْ أَشْقَرٍ أَعْرَ مُحَجَّلٍ أَوْ أَدَمَ أَعْرَ مُحَجَّلٍ».

[1] Chestnut colored, a color between black and red.

تخريج: [إسناده ضعيف] أخرجه النسائي، الخيل، باب ما يستحب من شية الخيل، ح: ٣٥٩٥ من حديث هشام بن سعيد به * عقيل بن شبيب مجهول (تقريب) ولبعض الحديث شواهد عند ابن حبان، ح: ١٦٣٣ وغيره.

Comments:

The noted scholar Aṭ-Ṭibī points out, among other things, the difference in the names of horses on the basis of their colors saying that *Ashqar* is wherein the black dominates the red, while *Kumair* is the one that has black hair on its neck and tail.

2544. (Another chain) from Muḥammad bin Muḥājir Al-Anṣārī (who said): “‘Aqīl bin Shabīb narrated to us, from Abū Wahb, who said: ‘The Messenger of Allāh ﷺ said: “You should seek out red (*Ashqar*) horses with a white mark on the face and white feet.” So he mentioned similarly. Muḥammad — meaning Ibn Muḥājir said: “And I asked him: ‘Why are the *Ashqar* more superior?’ He replied: ‘Because the Prophet ﷺ sent an expedition, and the one who first brought the news of victory was the rider on an *Ashqar* horse.’” (*Da‘if*)

٢٥٤٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عَوْفٍ الطَّائِيُّ: حَدَّثَنَا أَبُو الْمُغِيرَةِ: حَدَّثَنَا مُحَمَّدُ بْنُ مُهَاجِرٍ: حَدَّثَنَا عَقِيلُ بْنُ شَبِيبٍ عَنْ أَبِي وَهْبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَلَيْكُمْ بِكُلِّ أَشْقَرٍ أَعْرَأَ مُحَجَّلٍ أَوْ كُمَيْتٍ أَعْرَأَ» فَذَكَرَ نَحْوَهُ. قَالَ مُحَمَّدٌ يَعْنِي ابْنَ مُهَاجِرٍ وَسَلَّطَهُ: لِمَ فَضَّلَ الْأَشْقَرَ؟ قَالَ: لِأَنَّ النَّبِيَّ ﷺ بَعَثَ سَرِيَّةً فَكَانَ أَوَّلَ مَنْ جَاءَ بِالْفَتْحِ صَاحِبُ أَشْقَرٍ.

تخريج: [إسناده ضعيف] انظر الحديث السابق، وأخرجه البيهقي: ٦/ ٣٣٠ من حديث أبي داود به.

2545. Ibn ‘Abbās narrated that the Messenger of Allāh ﷺ said: “The blessing of the horse is in its redness.” (*Hasan*)

٢٥٤٥ - حَدَّثَنَا يَحْيَى بْنُ مَعِينٍ: حَدَّثَنَا حُسَيْنُ بْنُ مُحَمَّدٍ عَنْ شَيْبَانَ، عَنْ عِيسَى بْنِ عَلِيٍّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «يُمْنُ الْخَيْلِ فِي سُفْرَهَا».

تخريج: [إسناده حسن] أخرجه الترمذي، الجهاد، باب ما جاء ما يستحب من الخيل، ح: ١٦٩٥.

Chapter (...) Can A Mare Be Called A (*Faras*) Horse ?

2546. It was reported from Abū Hurairah who said: “The Messenger of Allāh ﷺ used to call a female horse: *Faras* (horse).” (*Hasan*)

(المعجم ...) بَابُ: هَلْ تُسَمَّى الْأُنْثَى مِنَ الْخَيْلِ فَرَسًا؟ (التحفة ٤٥)

٢٥٤٦ - حَدَّثَنَا مُوسَى بْنُ مَرْوَانَ الرَّقِّيُّ: حَدَّثَنَا مَرْوَانُ بْنُ مُعَاوِيَةَ عَنْ أَبِي حَبَّانَ التَّيْمِيِّ: حَدَّثَنَا أَبُو زُرْعَةَ عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُسَمِّي الْأُنْثَى مِنَ الْخَيْلِ فَرَسًا.

تخريج: [إسناده حسن] أخرجه الحاكم: ١٤٤/٢ من حديث موسى بن مروان به وصححه ابن حبان، ح: ١٦٣٤ والحاكم على شرط الشيخين ووافقه الذهبي * مروان بن معاوية صرح بالسماع.

Chapter 43. What is Disliked Among Horses

2547. It was reported from Abū Hurairah who said: “The Prophet ﷺ used to dislike the *Shikāl* among horses.” *As-Shikāl* is a horse which has white on its right hind-leg and left fore-leg, or on its right fore-leg and left hind-leg. (*Sahih*)
Abū Dāwud said: Meaning; alternate (legs).

(المعجم ٤٣) - بَابُ مَا يُكْرَهُ مِنَ الْخَيْلِ (التحفة ٤٦)

٢٥٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ سَلَمٍ هُوَ ابْنُ عَبْدِ الرَّحْمَنِ، عَنْ أَبِي زُرْعَةَ، عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ النَّبِيُّ ﷺ يَكْرَهُ الشَّكَالَ مِنَ الْخَيْلِ، وَالشَّكَالُ يَكُونُ الْفَرَسُ فِي رِجْلِهِ الْيُمْنَى بَيَاضٌ وَفِي يَدِهِ الْيُسْرَى بَيَاضٌ، أَوْ فِي يَدِهِ الْيُمْنَى وَفِي رِجْلِهِ الْيُسْرَى.

قَالَ أَبُو دَاوُدَ: أَيُّ مُخَالَفٍ.

تخريج: أخرجه مسلم، الإمارة، باب ما يكره من صفات الخيل، ح: ١٨٧٥ من حديث سفیان الثوري به.

Chapter 44. What Has Been Commanded Regarding Proper Care For Riding Beasts And Cattle

2548. It was reported from Sahl bin Al-Hanzaliyyah who said: “The Messenger of Allāh ﷺ passed by a

(المعجم ٤٤) - بَابُ مَا يُؤْمَرُ بِهِ مِنَ الْقِيَامِ عَلَى الدَّوَابِّ وَالْبَهَائِمِ (التحفة ٤٧)

٢٥٤٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ: حَدَّثَنَا مِسْكِينٌ يَعْنِي ابْنَ بُكَيْرٍ: حَدَّثَنَا

camel whose back had fallen to its stomach. He said: 'Fear Allāh in regards of these animals. Ride them when they are in good condition, and consume them when they are in good condition.' (Ṣaḥīḥ)

مُحَمَّدُ بْنُ مُهَاجِرٍ عَنْ رَبِيعَةَ بْنِ زَيْدٍ، عَنْ أَبِي كَيْشَةَ السَّلُولِيِّ، عَنْ سَهْلِ بْنِ الْحُظَلِيِّ قَالَ: مَرَّ رَسُولُ اللَّهِ ﷺ بِبَعِيرٍ قَدْ لَحِقَ ظَهْرُهُ بِبَطْنِهِ قَالَ: «اتَّقُوا اللَّهَ فِي هَذِهِ الْبَهَائِمِ الْمُعْجَمَةِ فَارْكَبُوهَا صَالِحَةً وَكُلُوهَا صَالِحَةً».

تخريج: [إسناده صحيح] تقدم: ١٦٢٩ وصححه ابن حبان، ح: ٨٤٤، ٨٤٥ وانظر: ٢٥٦٧.

Comments:

A believer does not behave in a rough way with anyone, or anything under his charge.

2549. It was reported from 'Abdullāh bin Ja'far who said: "One day the Messenger of Allāh ﷺ seated me behind him on his mount. He told me something secretly which I am not going to let anybody know. When relieving himself, the Messenger of Allāh ﷺ liked to find a place where he was well concealed, a hill or a cluster of date-palms." He said: "Once he entered the garden of a man from Anṣār where he found a camel. When it saw the Prophet ﷺ it began crying and its tears flowed. The Prophet ﷺ came to it and stroked the back of its head and it became silent. He then said: 'Who is the owner of this camel? Whose camel is this?' A young boy from the Anṣār came forward and said: 'It belongs to me O Messenger of Allāh ﷺ!' He said: 'Do you not fear Allāh regarding this animal which Allāh has put in your possession? It complained to me that you keep it hungry and overburden it, causing fatigue.'" (Ṣaḥīḥ)

٢٥٤٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا مَهْدِيُّ: حَدَّثَنَا ابْنُ أَبِي يَعْقُوبَ عَنْ الْحَسَنِ بْنِ سَعْدٍ مَوْلَى الْحَسَنِ بْنِ عَلِيٍّ، عَنْ عَبْدِ اللَّهِ بْنِ جَعْفَرٍ قَالَ: أُرْدَفَنِي رَسُولُ اللَّهِ ﷺ خَلْفَهُ ذَاتَ يَوْمٍ فَأَسْرَّ إِلَيَّ حَدِيثًا لَا أُحَدِّثُ بِهِ أَحَدًا مِنَ النَّاسِ وَكَانَ أَحَبُّ مَا اسْتَرَّ بِهِ رَسُولُ اللَّهِ ﷺ لِحَاجَتِهِ هَدَفًا أَوْ حَائِشَ نَخْلٍ. قَالَ: فَدَخَلَ حَائِطًا لِرَجُلٍ مِنَ الْأَنْصَارِ فَإِذَا جَمَلٌ، فَلَمَّا رَأَى النَّبِيَّ ﷺ حَنَّ وَذَرَفَتْ عَيْنَاهُ، فَأَتَاهُ النَّبِيُّ ﷺ فَمَسَحَ ذِفْرَاهُ فَسَكَتَ، فَقَالَ: «مَنْ رَبُّ هَذَا الْجَمَلِ؟ لِمَنْ هَذَا الْجَمَلُ؟» فَجَاءَ فَتَى مِنَ الْأَنْصَارِ فَقَالَ لِي: يَا رَسُولَ اللَّهِ ﷺ! قَالَ: «أَفَلَا تَتَّقِي اللَّهَ فِي هَذِهِ الْبَهِيمَةِ الَّتِي مَلَكَكَ اللَّهُ إِيَّاهَا؟ فَإِنَّهُ شَكَأَ إِلَيَّ أَنَّكَ تُجِيعُهُ وَتُذْيِبُهُ».

تخريج: أخرجه مسلم، الحیض، باب التستر عند البول، ح: ٣٤٢ من حدیث مهدي بن میمون به.

2550. It was reported from Abū Hurairah that the Messenger of Allāh ﷺ said: “Once while a man was walking on the road, he became extremely thirsty. He found a well and went down into it. He drank from the water and came out. He saw a dog panting heavily and eating soil due to its thirst. The man said: ‘This dog must be in the same condition of thirst as I was,’ so he went down into the well, and filled his *Khuff* with water, and held it by his mouth until he climbed up. He gave water to the dog to drink. Allāh accepted his deed and forgave him.” They said: “O Messenger of Allāh! Are there rewards for us in our animals?” He said: “For every moist liver (living creature) there is a reward.” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، المساقاة، باب فضل سقي الماء، ح: ٢٣٦٣ ومسلم، السلام، باب فضل سقي البهائم المحترمة وإطعامها، ح: ٢٢٤٤ من حدیث مالك به، وهو في الموطأ (يحيى): ٩٢٩/٢، ٩٣٠.

Chapter (...) Regarding Dismounting At Camps

2551. Anas bin Mālik said: “Whenever we dismounted at a camp, we would not perform any voluntary prayer (*Nusabbiḥ*) until we let the mounts graze.”^[1]

(المعجم...) **بَابُ: فِي نَزُولِ الْمَنَازِلِ**
(التحفة ٤٨)

٢٥٥١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنِي مُحَمَّدُ بْنُ جَعْفَرٍ: أَخْبَرَنَا شُعْبَةُ عَنْ حَمْزَةَ الضَّبِّيِّ قَالَ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ

^[1] Commentaries on *Sunan Abū Dāwud* explain that *Nusabbiḥ* means perform voluntary prayer. This is the statement of Al-Khaṭṭābī and it is cited by Al-ʿAzīmābādī in *ʿAwn Al-Maʿbūd*. In *ʿAmal Al-Yawm wal-Lailah*, Ibn As-Sunni narrated it from a different route, from Shuʿbah (who narrated this version), and after it: “Meaning we said the *Tasbiḥ* with

قال: كُنَّا إِذَا نَزَلْنَا مَنَزِلًا لَا نُسَبِّحُ حَتَّى نَحْلَ الرِّحَالَ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٢٩/٣ عن محمد بن جعفر غندر به.

Comments:

Based upon this narration, scholars consider it desirable that when a person halts to camp, he should give fodder to the animal before he himself takes his meal.

Chapter 45. Regarding Garlanding Horses With Bowstrings

(المعجم ٤٥) بَابُ: فِي تَقْلِيدِ الْخَيْلِ
بِالْأَوْتَارِ (التحفة ٤٩)

2552. It was reported from ‘Abbād bin Tamīm that Abū Bashīr Al-Anṣārī informed him, that he was with the Messenger of Allāh ﷺ on one of his journeys. He said: “The Messenger of Allāh ﷺ sent a messenger,” (one of the narrators) ‘Abdullāh bin Abī Bakr said: “I think he said: ‘And the people were still sleeping’” (saying:) “No garland of bowstrings or garlands (of any sort) are to be left on the neck of a camel, except that they be severed.”

Mālik (one of the narrators) said: “It think that was because of the (evil) eye.” (*Ṣaḥīḥ*)

٢٥٥٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ ابْنِ مُحَمَّدٍ بْنِ عَمْرِو بْنِ حَزْمٍ، عَنْ عَبَّادِ بْنِ تَمِيمٍ: أَنَّ أَبَا بَشِيرٍ الْأَنْصَارِيَّ أَخْبَرَهُ أَنَّهُ كَانَ مَعَ رَسُولِ اللَّهِ ﷺ فِي بَعْضِ أَصْفَارِهِ قَالَ: فَأَرْسَلَ رَسُولُ اللَّهِ ﷺ رَسُولًا، قَالَ عَبْدُ اللَّهِ ابْنُ أَبِي بَكْرٍ: حَسِبْتُ أَنَّهُ قَالَ: وَالنَّاسُ فِي مَسِيرِهِمْ: «لَا يُقْبَلَنَّ فِي رَقَبَةِ بَعِيرٍ قِلَادَةٌ مِنْ وَتَرٍ وَلَا قِلَادَةٌ إِلَّا قُطِعَتْ». قَالَ مَالِكٌ: أُرَى أَنَّ ذَلِكَ مِنْ أَجْلِ الْعَيْنِ.

تخريج: أخرجه البخاري، الجهاد والسير، باب ما قيل في الجرس ونحوه في أعناق الإبل، ح: ٣٠٠٥ ومسلم، اللباس والزينة، باب كراهة قِلادة الوتر في رقبة البعير، ح: ٢١١٥ من حديث مالك به، وهو في الموطأ (يحيى): ٩٣٧/٢.

Comments:

The prominent scholar Al-Khaṭṭābī noted that Imām Mālik explained that the people used to tie the bow strings round the necks of the animals as amulets, in order to protect them from the evil eye, since they considered those strings effective for the purpose.

the tongue.” He listed this narration under saying the *Tasbīḥ* when dismounting to camp, due to the wording of that version. In *Al-Awsat*, At-Ṭabarānī narrated it from a similar route as Ibn As-Sunnī, and after it: “Shu’bah said: ‘Saying the *Tasbīḥ* with the tongue.’”

Chapter (...) Being Kind To Horses, And Keeping Them, And Rubbing Down Their Rump.

2553. It was reported from Abū Wahb Al-Jushamī, who was a Companion, who said: “The Messenger of Allāh ﷺ said: ‘Keep horses, rub down their forelocks and their backs’” or he said: “their rumps, and garland them, but do not garland them with bowstrings.”^[1] (*Ḍaʿīf*)

(المعجم . . .) - بَابُ إِكْرَامِ الْخَيْلِ
وَارْتِبَاطِهَا وَالْمَسْحِ عَلَى أَكْفَالِهَا (التحفة ٥٠)

٢٥٥٣ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ:
حَدَّثَنَا هِشَامُ بْنُ سَعِيدٍ الطَّلَقَانِيُّ: أَخْبَرَنَا
مُحَمَّدُ بْنُ الْمُهَاجِرِ: حَدَّثَنِي عَقِيلُ بْنُ شَيْبٍ
عَنْ أَبِي وَهْبٍ الْجُشَمِيِّ وَكَانَ لَهُ صُحْبَةٌ قَالَ:
قَالَ رَسُولُ اللَّهِ ﷺ: «ارْتَبِطُوا الْخَيْلَ
وَامْسَحُوا بِنَوَاصِيهَا وَأَعْمَازِهَا» أَوْ قَالَ:
«أَكْفَالِهَا وَقَلْدُوهَا وَلَا تُقَلِّدُوهَا الْأَوْتَارَ».

تخريج: [إسناده ضعيف] تقدم، ح: ٢٥٤٣.

Chapter 46. Regarding Hanging Bells (From The Necks of Animals)

2554. It was reported from Umm Ḥabībah, from the Prophet ﷺ that he said: “The Angels do not accompany a group who have bells.” (*Ṣaḥīḥ*)

(المعجم ٤٦) بَابُ: فِي تَعْلِيقِ
الْأَجْرَاسِ (التحفة ٥١)

٢٥٥٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ
عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ سَالِمٍ، عَنْ أَبِي الْجَرَّاحِ
مَوْلَى أُمِّ حَبِيبَةَ، عَنْ أُمِّ حَبِيبَةَ عَنِ النَّبِيِّ ﷺ قَالَ:
«لَا تَصْحَبُ الْمَلَائِكَةُ رُفْقَةً فِيهَا جَرَسٌ».

تخريج: [صحيح] أخرجه أحمد: ٣٢٦/٦، ٣٢٧ عن يحيى القطان به ورواه النسائي في الكبرى، ح: ٨٨١٩ وانظر الحديث الآتي.

2555. It was reported from Suhail bin Abī Ṣāliḥ, from his father, from Abu Hurairah who said: “The Messenger of Allāh ﷺ said: ‘The angels do not accompany a group who have a dog, or a bell.’” (*Ṣaḥīḥ*)

٢٥٥٥ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا
زُهَيْرٌ: حَدَّثَنَا سُهَيْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ،
عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا
تَصْحَبُ الْمَلَائِكَةُ رُفْقَةً فِيهَا كَلْبٌ أَوْ جَرَسٌ».

تخريج: أخرجه مسلم، اللباس والزينة، باب كراهة الكلب والجرس في السفر، ح: ٢١١٣ من حديث سهيل بن أبي صالح به.

^[1] See nos. 2543 and 4950.

2556. It was reported from Al-‘Alā’ bin ‘Abdur-Rahmān, from his father, from Abū Hurairah, that the Prophet ﷺ said about the bell: “It is a wind instrument of *Shaiṭān*.” (*Ṣaḥīḥ*)

٢٥٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا أَبُو بَكْرِ بْنُ أَبِي أُوَيْسٍ: حَدَّثَنِي سُلَيْمَانُ بْنُ بِلَالٍ عَنِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «فِي الْجَرَسِ مِزْمَارُ الشَّيْطَانِ».

تخريج: أخرجه مسلم، ح: ٢١١٤ من حديث العلاء بن عبد الرحمن به انظر الحديث السابق.

Comments:

Tying things like bells and rattles round the necks of animals is prohibited. Keeping a dog simply as a symbol of ostentation and awe is also prohibited although there is permission to keep a hunting dog, a sheepdog, and for protecting fields and crops, as follows later.

Chapter 47. Regarding Riding *Al-Jallālah* (Animals That Eat Dung and Filth)

(المعجم ٤٧) بَابُ: فِي رُكُوبِ الْجَلَّالَةِ
(التحفة ٥٢)

2557. It was reported from Nāfi‘, from Ibn ‘Umar who said: “It has been prohibited to ride *Al-Jallālah*.” (*Ṣaḥīḥ*)

٢٥٥٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ أَيُّوبَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: نُهِيَ عَنْ رُكُوبِ الْجَلَّالَةِ.

تخريج: [إسناده صحيح] أخرجه البيهقي: ٢٥٤/٥، ٣٣٣/٩ من حديث أبي داود به، وللحديث شواهد كثيرة، انظر ح: ٣٧٨٥، ٣٧٨٧.

2558. (Another chain) from Nāfi‘, from Ibn ‘Umar who said: “The Messenger of Allāh ﷺ prohibited riding *Al-Jallālah*.” (*Ḥasan*)

٢٥٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ أَبِي سُرَيْجٍ الرَّازِيُّ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ الْجَهْمِ: حَدَّثَنَا عُمَرُو بْنُ يَعْنَى ابْنَ أَبِي قَيْسٍ عَنْ أَيُّوبَ السَّخْتِيَّانِيِّ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْجَلَّالَةِ فِي الْإِبِلِ أَنْ يُرَكَّبَ عَلَيْهَا.

تخريج: [إسناده حسن] أخرجه الحاكم: ٣٤/٢ من حديث أحمد بن أبي سريج به وصححه النووي في رياض الصالحين، ح: ١٦٩٤.

Comments:

The prohibition of consuming the milk and meat of such animals is also proven from other *Aḥādīth*. (See no. 3785)

Chapter 48. Regarding A Person Naming His Riding Beast

2559. It was narrated from Mu'adh, who said: "I was riding behind the Prophet ﷺ on a donkey called: 'Ufair.'" (*Sahih*)

(المعجم ٤٨) بَابُ: فِي الرَّجُلِ يُسَمِّي دَابَّتَهُ (التحفة ٥٣)

٢٥٥٩ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ عَنْ أَبِي الْأَحْوَصِ، عَنْ أَبِي إِسْحَاقَ، عَنْ عَمْرِو بْنِ مَيْمُونٍ، عَنْ مُعَاذٍ قَالَ: كُنْتُ رَدَفَ النَّبِيِّ ﷺ عَلَى حِمَارٍ يُقَالُ لَهُ: عُفَيْرٌ.

تخریج: [صحيح] أخرجه البخاري، الجهاد والسير، باب اسم الفرس والحمار، ح: ٢٨٥٦ من حديث أبي الأحوص به.

Comments:

It is allowed to give names to animals. In case of need, two persons can ride a beast.

Chapter 49. Regarding Calling Out During The Time Of Departure (For Battle): "O Allāh's Horseman! Ride!"

2560. It was reported from Samurah bin Jundab who said: "To proceed: The Prophet ﷺ named our horsemen, 'Allāh's horsemen' when we became frightened, and when we became frightened, the Messenger of Allāh ﷺ used to order us to be united, have patience and tranquility, and (the same) when we fought."^[1] (*Da'if*)

(المعجم ٤٩) بَابُ: فِي النَّدَاءِ عِنْدَ النَّفِيرِ يَا خَيْلَ اللَّهِ ارْكَبِي (التحفة ٥٤)

٢٥٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنُ سُفْيَانَ: حَدَّثَنِي يَحْيَى بْنُ حَسَّانٍ: أَخْبَرَنَا سُلَيْمَانُ بْنُ مُوسَى أَبُو دَاوُدَ: حَدَّثَنَا جَعْفَرُ بْنُ سَعْدٍ بْنُ سَمُرَةَ بْنِ جُنْدَبٍ: حَدَّثَنِي خُبَيْبُ بْنُ سُلَيْمَانَ عَنْ أَبِيهِ سُلَيْمَانَ بْنِ سَمُرَةَ، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ: أَمَّا بَعْدُ، فَإِنَّ النَّبِيَّ ﷺ سَمَّى خَيْلَنَا خَيْلَ اللَّهِ إِذَا فَرَعْنَا، وَكَانَ رَسُولُ اللَّهِ ﷺ يَأْمُرُنَا إِذَا فَرَعْنَا بِالْجَمَاعَةِ وَالصَّبْرِ وَالسَّكِينَةِ وَإِذَا قَاتَلْنَا.

تخریج: [إسناده ضعيف] انظر، ح: ٩٧٥ لعلته.

[1] See no. 456, wherein it is clarified that he had written a letter to them. Part of it appears in no. 975 as well.

Chapter 50. The Prohibition Of Cursing An Animal

2561. ‘Imrān bin Ḥusain said: “The Prophet ﷺ was on a journey, and he heard somebody cursing something, so he asked: ‘What is this?’ They said: ‘This is so-and-so (woman) who has cursed her riding animal.’ The Prophet ﷺ said: ‘Remove its saddle, for it is cursed,’ so they removed it.” ‘Imrān said: “As if I can still see it, an ash colored she-camel.” (*Ṣaḥīḥ*)

(المعجم ٥٠) - بَابُ التَّهْيِي عَنْ لَعْنِ الْبَهِيمَةِ (التحفة ٥٥)

٢٥٦١ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادٌ عَنْ أَيُّوبَ، عَنْ أَبِي قَلَابَةَ، عَنْ أَبِي الْمُهَلَّبِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ النَّبِيَّ ﷺ كَانَ فِي سَفَرٍ فَسَمِعَ لَعْنَةً فَقَالَ: «مَا هَذِهِ؟» قَالُوا: هَذِهِ فُلَانَةٌ لَعَنَتْ رَاحِلَتَهَا، فَقَالَ النَّبِيُّ ﷺ: «صَعُّوا عَنْهَا، فَإِنَّهَا مَلْعُونَةٌ»، فَوَضَعُوا عَنْهَا. قَالَ عِمْرَانُ: فَكَأَنِّي أَنْظُرُ إِلَيْهَا نَاقَةً وَرَقَاءً.

تخریج: أخرجه مسلم، البر والصلة، باب النهي عن لعن الدواب وغيرها، ح: ٢٥٩٥ من حديث أيوب السخيتاني به.

Chapter 51. Regarding The Prohibition of Instigating Fights Among Beasts

2562. It was reported from Abū Yahyā Al-Qattāt, from Mujāhid, from Ibn ‘Abbās, who said: “The Messenger of Allāh ﷺ prohibited instigating fights between beasts.” (*Ḍa‘īf*)

(المعجم ٥١) - بَابُ: فِي التَّحْرِيشِ بَيْنَ الْبَهَائِمِ (التحفة ٥٦)

٢٥٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا يَحْيَى بْنُ أَدَمَ عَنْ قُطَيْبَةَ بْنِ عَبْدِ الْعَزِيزِ بْنِ سَيَّاهٍ، عَنْ الْأَعْمَشِ، عَنْ أَبِي يَحْيَى الْقَتَّاتِ، عَنْ مُجَاهِدٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنِ التَّحْرِيشِ بَيْنَ الْبَهَائِمِ.

تخریج: [إسناده ضعيف] أخرجه الترمذي، الجهاد، باب ما جاء في كراهية التحريش بين البهائم والضرب والوسم في الوجه، ح: ١٧٠٨ عن أبي كريب محمد بن العلاء به * الأعمش: عنن وأبو يحيى القتات: ضعيف إلا في رواية الثوري عنه.

Comments:

Since provoking the animals to fight with each other is prohibited, the act of provoking humans to fight against each other is all the more reprehensible.

Chapter 52. Regarding Branding Animals

(المعجم ٥٢) - بَابُ: فِي وَسْمِ الدَّوَابِّ (التحفة ٥٧)

2563. It was reported from Hishām

٢٥٦٣ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا

bin Zaid, from Anas who said: "I came to the Prophet ﷺ with a brother of mine when he was born to perform *Tahnik* for him. I found him in sheep pen branding sheep." I (Hishām) think he said: "On their ears."

تخريج: أخرجه البخاري، الذبائح والصيد، باب الوسم والعلم في الصورة، ح: ٥٥٤٢ ومسلم، اللباس والزينة، باب جواز وسم الحيوان غير الآدمي في غير الوجه... إلخ، ح: ٢١١٩ من حديث شعبة به.

Comments:

Branding was done through marking by burning the body of the animal with a hot iron. It is allowed to brand the bodies of the animals but not allowed to brand them on the face. The ear, which is not a part of the face can, however, be branded.

Chapter (...) The Prohibition of Branding The Face, And Striking The Face

2564. It was reported from Abū Az-Zubair, from Jābir who said: "A donkey, which had been branded in the face, passed by the Prophet ﷺ. He said: 'Has it not reached you people, that I have cursed those who brand animals on their faces, or strike them on their faces?' so he prohibited that." (*Ṣaḥīḥ*)

شُعْبَةُ عَنْ هِشَامِ بْنِ زَيْدٍ، عَنْ أَنَسٍ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ بِأَخٍ لِي حِينَ وُلِدَ لِيُحَنِّكَ فَإِذَا هُوَ فِي مِرْبَدٍ يَسْمُ غَنَمًا، أَحْسِبُهُ قَالَ: فِي آذَانِهَا.

(المعجم...) - بَابُ النَّهْيِ عَنِ الْوَسْمِ فِي الْوَجْهِ وَالضَّرْبِ فِي الْوَجْهِ (التحفة ٥٨)

٢٥٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ مَرَّ عَلَيْهِ بِحِمَارٍ قَدْ وُسِمَ فِي وَجْهِهِ فَقَالَ: «أَمَا بَلَّغْتُكُمْ أَنِّي لَعَنْتُ مَنْ وَسَمَ الْبَهِيمَةَ فِي وَجْهِهَا أَوْ ضَرَبَهَا فِي وَجْهِهَا؟»، فَتَهَى عَنْ ذَلِكَ.

تخريج: [صحيح] أخرجه أحمد: ٣/٣٢٣ من حديث سفيان الثوري ومسلم، اللباس والزينة، باب النهي عن ضرب الحيوان في وجهه ووسمه فيه، ح: ٢١١٧ من حديث أبي الزبير به.

Comments:

The face, whether of man or animal, is the most respectable part of the body. It is, therefore, prohibited to strike it.

Chapter 53. The Prohibition Of Studding Donkeys With Mare Horses

2565. It was reported from Abū Al-Khair, from Ibn Zurair, from

(المعجم ٥٣) بَابُ: فِي كَرَاهِيَةِ الْحُمْرِ تُنْزَى عَلَى الْخَيْلِ (التحفة ٥٩)

٢٥٦٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي

‘Alī bin Abi Tālib who said: “The Messenger of Allāh ﷺ was given a she-mule as a gift which he rode.” ‘Alī said: “If we studded donkeys with mare horses we would have animals of this type?” The Messenger of Allāh ﷺ said: “Those who don’t know do that.” (Ṣaḥīḥ)

تخريج: [إسناده صحيح] أخرجه النسائي، الخيل، باب التشديد في حمل الحمير على الخيل، ح: ٣٦١٠ عن قتيبة به، ووصحه ابن حبان، ح: ١٦٣٩ وله شاهد تقدم: ٨٠٨.

Chapter 54. Regarding Three People Riding An Animal

2566. ‘Abdullāh bin Ja’far said: “Whenever the Prophet ﷺ arrived from a journey we would be taken to receive him, so whoever was first to meet him, he will put him in front of him. As I was the first to meet him, he put me in front of him. Then Hasan or Husain was brought to him, so he put him behind him. We entered Al-Madīnah, while we were like that.” (Ṣaḥīḥ)

تخريج: أخرجه مسلم، فضائل الصحابة، باب: من فضائل عبدالله بن جعفر رضي الله عنهما، ح: ٢٤٢٨ من حديث عاصم به.

Comments:

It is allowed to come out of the town in order to welcome dignitaries and respectable personalities. The Messenger of Allāh ﷺ loved the children and gave them due regard as well.

Chapter 55. Regarding Remaining Halted Atop An Animal

2567. It was reported from Abū Hurairah, from the Prophet ﷺ who said: “Do not use the backs of

الْخَيْرِ، عَنْ ابْنِ زُرَّيْرٍ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: أُهْدِيَتْ لِرَسُولِ اللَّهِ ﷺ بَغْلَةٌ فَرَكِبَهَا، فَقَالَ عَلِيُّ: لَوْ حَمَلْنَا الْحَمِيرَ عَلَى الْخَيْلِ فَكَانَتْ لَنَا مِثْلُ هَذِهِ؟ قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا يَفْعَلُ ذَلِكَ الَّذِينَ لَا يَعْلَمُونَ».

(المعجم ٥٤) بَابُ: فِي رُكُوبِ ثَلَاثَةٍ عَلَى دَابَّةٍ (التحفة ٦٠)

٢٥٦٦ - حَدَّثَنَا أَبُو صَالِحٍ مَحْبُوبٌ بْنُ مُوسَى: حَدَّثَنَا أَبُو إِسْحَاقَ الْفَرَارِيُّ عَنْ عَاصِمِ بْنِ سُلَيْمَانَ، عَنْ مُورِقٍ يَعْنِي الْعُجْلِيَّ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ جَعْفَرٍ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا قَدِمَ مِنْ سَفَرٍ اسْتَقْبَلَ بِنَا فَأَيْنَا اسْتَقْبَلَ أَوْ لَا جَعَلَهُ أَمَامَهُ فَاسْتَقْبَلَ بِي فَحَمَلَنِي أَمَامَهُ، ثُمَّ اسْتَقْبَلَ بِحَسَنِ أَوْ حُسَيْنٍ، فَجَعَلَهُ خَلْفَهُ فَدَخَلْنَا الْمَدِينَةَ وَإِنَّا لَكَذَلِكَ.

(المعجم ٥٥) بَابُ: فِي الْوُقُوفِ عَلَى الدَّابَّةِ (التحفة ٦١)

٢٥٦٧ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ: حَدَّثَنَا ابْنُ عِيَّاشٍ عَنْ يَحْيَى بْنِ أَبِي عَمْرٍو

your beasts as *Minbars*. Allāh has subjugated them for you to transport you to a land that you cannot reach without difficulty yourselves. And He made the earth (spread out) for you, so fulfill your needs upon it.” (*Hasan*)

السَّيَّانِي، عَنْ أَبِي مَرْيَمَ، عَنْ أَبِي هُرَيْرَةَ
عَنِ النَّبِيِّ ﷺ قَالَ: «إِيَّايَ أَنْ تَتَّخِذُوا طُهْرًا
دَوَابِّكُمْ مَنَابِرَ فَإِنَّ اللَّهَ إِنَّمَا سَخَّرَهَا لَكُمْ
لِتَبْلُغَكُمْ إِلَى بَلَدٍ لَمْ تَكُونُوا بِالْغِيَةِ إِلَّا بِشِقِّ
الْأَنْفُسِ وَجَعَلَ لَكُمْ الْأَرْضَ فَعَلَيْهَا فَاقْضُوا
حَاجَاتِكُمْ».

تخریج: [حسن] أخرجه البيهقي: ٢٥٥/٥ من حديث أبي داود به، وله شاهد عند ابن خزيمة، ح: ٢٥٤٤ وابن حبان، ح: ٢٠٠٢ وصححه الحاكم: ١٠٠/٢ ووافقه الذهبي وسنده حسن وانظر، ح: ٢٥٤٨.

Comments:

The Messenger of Allāh ﷺ delivered his famous Sermon on his last Pilgrimage atop his she-camel, but it was an exceptional case that happened due to the exigency of the occasion.

Chapter 56. On Side camels.

(المعجم ٥٦) بَابُ: فِي الْجَنَائِبِ

(التحفة ٦٢)

2568. It was reported from Sa‘eed bin Abī Hind who said: “Abū Hurairah said: ‘The Messenger of Allāh ﷺ said: “There are camels for the devils, and there are houses for the devils.”^[1] As for camels for the devils, I have seen them. One of you goes out with fattened extra camels at his side, riding none of them, nor giving a ride to a tired brother when he passes by him. As for the houses for devils I have not seen them.” Sa‘eed would say: “I think they are those enclosures which people cover with *Dibāj* (brocade).” (*Ḍa‘īf*)

٢٥٦٨ - حَدَّثَنَا مُحَمَّدُ بْنُ رَافِعٍ: حَدَّثَنَا
ابْنُ أَبِي فُدَيْكٍ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ أَبِي
يَحْيَى عَنْ سَعِيدِ بْنِ أَبِي هُرَيْرَةَ قَالَ: قَالَ أَبُو
هُرَيْرَةَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَكُونُ إِبِلٌ
لِلشَّيَاطِينِ وَبُيُوتٌ لِلشَّيَاطِينِ فَأَمَّا إِبِلُ الشَّيَاطِينِ
فَقَدْ رَأَيْتُهَا يَخْرُجُ أَحَدُكُمْ بِجَنِيَبَاتٍ مَعَهُ قَدْ
أَسْمَنَهَا فَلَا يَغْلُو بَعِيرًا مِنْهَا وَيَمُرُّ بِأَخِيهِ قَدْ
انْقَطَعَ بِهِ فَلَا يَحْمِلُهُ، وَأَمَّا بُيُوتُ الشَّيَاطِينِ
فَلَمْ أَرَهَا»، كَانَ سَعِيدٌ يَقُولُ: لَا أَرَاهَا إِلَّا
هَذِهِ الْأَقْفَاصُ الَّتِي يَسْتُرُ النَّاسُ بِالْدَّبِجِاجِ.

[1] Some of the scholars consider this the end of the *Hadīth*, and that what follows is the statement of Abū Hurairah, others consider all of it — up to the statement of Sa‘eed, to be from the *Hadīth*.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٥٥/٥ من حديث أبي داود به * رجاله ثقات ولكن سعيد بن أبي هند "لم يلق أبا هريرة" قاله أبو حاتم الرازي، انظر المراسيل، ص: ٧٥ فالسند منقطع.

Chapter 57. Regarding Traveling Fast, And The Prohibition Of Staying On Roads At Night

2569. It was reported from Abū Hurairah that the Messenger of Allāh ﷺ said: "When you travel in a fertile land, then grant the camels their due (of grazing), and when you travel in time of drought, then travel quickly, and when you want to camp for the night, keep off the road." (*Ṣaḥīḥ*)

(المعجم ٥٧) **بَابُ: فِي سُرْعَةِ السَّيْرِ وَالتَّهْيِ عَنِ التَّعْرِيسِ فِي الطَّرِيقِ**
(التحفة ٦٣)

٢٥٦٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا سَهْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا سَافَرْتُمْ فِي الْخَصْبِ فَأَعْطُوا الْإِبِلَ حَقَّهَا، وَإِذَا سَافَرْتُمْ فِي الْجَدْبِ فَاسْرِعُوا السَّيْرَ فَإِذَا أَرَدْتُمْ التَّعْرِيسَ فَتَنَكَّبُوا عَنِ الطَّرِيقِ».

تخريج: أخرجه مسلم، الإمامة، باب مراعاة مصلحة الدواب في السير ... إلخ، ح: ١٩٢٦ من حديث سهل بن أبي صالح به.

2570. It was reported from Al-Hasan, from Jābir bin ‘Abdullāh, from the Prophet ﷺ, similar to this (no. 2569). After his saying: "their due" he said: "and do not go beyond the camps." (*Ḍa‘īf*)

٢٥٧٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ: أَخْبَرَنَا هِشَامٌ عَنْ الْحَسَنِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنْ النَّبِيِّ ﷺ نَحْوَ هَذَا قَالَ بَعْدَ قَوْلِهِ: «حَقَّهَا»: «وَلَا تَعْدُوا الْمَنَازِلَ».

تخريج: [إسناده ضعيف] * الحسن البصري لم يثبت سماعه من جابر في هذا الحديث، بسند صحيح.

Chapter (...) Traveling At Night

(المعجم ...) **بَابُ: فِي الدُّلْجَةِ**
(التحفة ٦٤)

2571. It was reported from Anas who said: "The Messenger of Allāh ﷺ said: 'Travel by night, for the earth is rolled up (shorter) during the night.'" (*Ḥasan*)

٢٥٧١ - حَدَّثَنَا عَمْرُو بْنُ عَلِيٍّ: حَدَّثَنَا خَالِدُ بْنُ يَزِيدَ: حَدَّثَنَا أَبُو جَعْفَرٍ الرَّازِيُّ عَنْ الرَّبِيعِ بْنِ أَنَسٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَلَيْكُمْ بِالْدُّلْجَةِ، فَإِنَّ الْأَرْضَ

تَطْوَى بِاللَّيْلِ».

تخریج: [حسن] سنده ضعیف وللحدیث شواهد عند ابن خزيمة، ح: ٢٥٥٥ وغيره.

Chapter 58. The Owner Of The Animal Is More Entitled To Ride In The Front

2572. It was reported from Buraidah who said: "While the Messenger of Allāh ﷺ was walking, a man with a donkey came to him and said: 'O Messenger of Allāh! Ride.' And the man moved to the back of the animal. The Messenger of Allāh ﷺ said: 'No. You are more entitled to ride in front of your animal than me, unless you grant me the right.' He said: 'I have granted it to you.' So he rode." (*Hasan*)

(المعجم ٥٨) بَابُ: رَبُّ الدَّابَّةِ أَحَقُّ بِصُدْرِهَا (التحفة ٦٥)

٢٥٧٢ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ ثَابِتٍ الْمَرْوَزِيُّ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنٍ: حَدَّثَنِي أَبِي: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ قَالَ: سَمِعْتُ أَبِي، بُرَيْدَةَ يَقُولُ: بَيْنَمَا رَسُولُ اللَّهِ ﷺ يَمْشِي جَاءَ رَجُلٌ وَمَعَهُ جِمَارٌ، فَقَالَ: يَا رَسُولَ اللَّهِ! ارْكَبْ وَتَأَخَّرَ الرَّجُلُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا، أَنْتَ أَحَقُّ بِصُدْرِ دَابَّتِكَ مِنِّي إِلَّا أَنْ تَجْعَلَهُ لِي»، قَالَ: فَإِنِّي قَدْ جَعَلْتُهُ لَكَ فَرَكِبَ.

تخریج: [إسناده حسن] أخرجه الترمذي، الأدب، باب ما جاء أن الرجل أحق بصدر دابته، ح: ٢٧٧٣ من حديث علي بن حسين بن واقد به وقال: "حسن غريب" وصححه ابن حبان، ح: ٢٠٠١ والحاكم على شرط مسلم: ٦٤/٢ ووافقه الذهبي.

Comments:

The same rule holds good with regard to the front seats of cars and jeeps etc.

Chapter 59. Regarding The Animal That Is Hamstrung During War

2573. It was reported from 'Abbād bin 'Abdullāh bin Az-Zubair who said: "My foster father, who is from Banū Murrah bin 'Awf, narrated to me, and he was present at the Battle of Mu'tah: "By Allāh! It is as if I can still see Ja'far when he hamstrung his red horse, then he fought until he was killed." (*Da'if*) Abū Dāwud said: This *Ḥadīth* is

(المعجم ٥٩) بَابُ: فِي الدَّابَّةِ تُعْرَقُ فِي الْحَرْبِ (التحفة ٦٦)

٢٥٧٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الثَّقَلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ: حَدَّثَنِي ابْنُ عَبَّادٍ عَنْ أَبِيهِ عَبَّادٍ ابْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، - قَالَ أَبُو دَاوُدَ: هُوَ يَحْمِي بْنُ عَبَّادٍ - حَدَّثَنِي أَبِي الَّذِي أَرْضَعَنِي وَهُوَ أَحَدُ بَنِي مِرَّةَ بْنِ عَوْفٍ، وَكَانَ فِي تِلْكَ

not strong.

الْعَزَاقَةَ غَزَاةً مُؤْتَةً قَالَ: وَاللَّهِ! لَكَأَنِّي أَنْظُرُ إِلَى
جَعْفَرٍ حِينَ اقْتَحَمَ عَنْ فَرَسٍ لَهُ شُقْرَاءُ
فَعَقَرَهَا، ثُمَّ قَاتَلَ الْقَوْمَ حَتَّى قُتِلَ.
قَالَ أَبُو دَاوُدَ: هَذَا الْحَدِيثُ لَيْسَ بِالْقَوِيِّ.

تخريج: [إسناده ضعيف] أخرجه ابن هشام في سيرته: ٢٠/٤ من حديث محمد بن إسحاق به * رجل من بني مرة بن عوف الذي سماه عباد بن عبد الله بن الزبير: أباً له من الرضاعة، لم أعرفه بالتعديل فهو علة الخبر، ولو ثبت أنه صحابي فالسند حسن.

Comments:

If, during the course of fighting, there comes a stage when the warrior feels that he is at the verge of getting overpowered or killed, he may destroy his conveyance and equipment to prevent their falling into the hands of the enemy.

Chapter 60. Regarding Stakes In Racing

(المعجم ٦٠) بَابُ: فِي السَّبَقِ

(التحفة ٦٧)

2574. It was reported from Nāfi' bin Abī Nāfi', from Abū Hurairah who said: "The Messenger of Allāh ﷺ said: 'Stakes are only allowed in races between camels, horses, and shooting arrows.'" (*Hasan*)

٢٥٧٤ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا
ابْنُ أَبِي ذَنْبٍ عَنْ نَافِعِ بْنِ أَبِي نَافِعٍ، عَنْ أَبِي
هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا سَبَقَ
إِلَّا فِي خُفٍّ أَوْ حَافِرٍ أَوْ نَضَلٍ».

تخريج: [إسناده حسن] أخرجه الترمذي، الجهاد، باب ما جاء في الرهان والسبق، ح: ١٧٠٠ من حديث محمد بن عبد الرحمن بن أبي ذئب به وقال: "حسن" وصححه ابن حبان، ح: ١٦٣٨.

2575. It was reported from Mālik, from Nāfi', from 'Abdullāh bin 'Umar, that the Messenger of Allāh ﷺ organized a race for horses that had been made lean, from Al-Hafyā' to Thaniyyat Al-Wadā', and he organized another race for horses that had not been made lean, from Ath-Thaniyyah to the Masjid of Banū Zuraiq, and 'Abdullāh was among those who took part in the race. (*Ṣaḥīḥ*)

٢٥٧٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ
الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ
ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ سَابَقَ بَيْنَ
الْخَيْلِ الَّتِي قَدْ أُضْمِرَتْ مِنَ الْحَفْيَاءِ، وَكَانَ
أَمَدُهَا ثَنِيَّةَ الْوَدَاعِ، وَسَابَقَ بَيْنَ الْخَيْلِ الَّتِي لَمْ
تُضْمَرْ مِنَ الثَّنِيَّةِ إِلَى مَسْجِدِ بَنِي زُرَيْقٍ، وَأَنَّ
عَبْدَ اللَّهِ كَانَ مِمَّنْ سَابَقَ بِهَا.

تخريج: أخرجه البخاري، الصلاة، باب: هل يقال: مسجد بني فلان؟ ح: ٤٢٠ ومسلم،

الإمارة، باب المسابقة بين الخيل وتضميرها، ح: ١٨٧٠ من حديث مالك به وهو في الموطأ (يحيى): ٤٦٧/٢.

2576. It was reported from Al-Mu'tamir, from 'Ubaidullāh, from Nāfi', from Ibn 'Umar that the Prophet of Allāh ﷺ would lean horses to be used for races. (*Ṣaḥīh*)

٢٥٧٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا الْمُعْتَمِرُ عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ نَبِيَّ اللَّهِ ﷺ كَانَ يُضَمِّرُ الْخَيْلَ، يُسَابِقُ بِهَا.

تخريج: أخرجه مسلم، ح: ١٨٧٠ من حديث عبيد الله بن عمر به، انظر الحديث السابق: ٢٥٧٥.

2577. It was reported from 'Uqbah bin Khālid, from 'Ubaidullāh, from Nāfi', from Ibn 'Umar that the Prophet ﷺ held a race between horses, and kept the horses which were in the fifth year at a longer distance. (*Ṣaḥīh*)

٢٥٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عُقْبَةُ بْنُ خَالِدٍ عَنْ عَبْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ سَبَقَ بَيْنَ الْخَيْلِ، وَفَضَّلَ الْفَرَحَ فِي الْعَايَةِ.

تخريج: [إسناده صحيح] أخرجه ابن عبد البر في التمهيد: ٨٤/١٤ من حديث أبي داود به، وهو في مسند أحمد: ١٥٧/٢ وصححه ابن الملقن في تحفة المحتاج، ح: ١٧٣٧.

Chapter 61. Regarding Foot Races

(المعجم ٦١) بَابُ: فِي السَّبَقِ عَلَى الرَّجُلِ (التحفة ٦٨)

2578. It was reported from 'Āishah, that she was with the Prophet ﷺ on a journey, she said: "And I raced with him on foot, and I beat him. When I gained weight, I (again) raced him, and he beat me. He said: 'This (win) is for that race.'" (*Ṣaḥīh*)

٢٥٧٨ - حَدَّثَنَا أَبُو صَالِحٍ الْأَنْطَاكِيُّ مَحْبُوبُ بْنُ مُوسَى: أَخْبَرَنَا أَبُو إِسْحَاقَ الْفَزَارِيُّ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ وَعَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّهَا كَانَتْ مَعَ النَّبِيِّ ﷺ فِي سَفَرٍ، قَالَتْ: فَسَابَقْتُهُ فَسَبَقْتُهُ عَلَى رَجُلِي، فَلَمَّا حَمَلْتُ اللَّحْمَ سَابَقْتُهُ فَسَبَقَنِي فَقَالَ: «هَذِهِ بِتْلَكَ السَّبَقَةَ».

تخريج: [إسناده صحيح] أخرجه ابن ماجه، النكاح، باب حسن معاشره النساء، ح: ١٩٧٩ من حديث هشام بن عروة عن أبيه عن عائشة به وصححه ابن حبان، ح: ١٣١٠.

Chapter 62. Regarding *Al-Muḥallil* (Entering A Third Horse In A Race With Two Other Horses For A Stake)

(المعجم ٦٢) بَابُ: فِي الْمُحَلِّلِ
(التحفة ٦٩)

2579. It was reported from Az-Zuhri, from Sa'eed bin Al-Musayyab, from Abū Hurairah, from the Prophet ﷺ, who said: "Whoever enters a horse (in a race) between two other horses — meaning not knowing whether it will win — then that is not gambling. But whoever enters a horse (in a race) between two other horses, and he is certain that it will win, then that is gambling." (*Da'if*)

٢٥٧٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا حُصَيْنُ بْنُ نُمَيْرٍ: حَدَّثَنَا سُفْيَانُ بْنُ حُسَيْنٍ؛ ح: وَحَدَّثَنَا عَلِيُّ بْنُ مُسْلِمٍ: حَدَّثَنَا عَبَادُ بْنُ الْعَوَامِ: أَخْبَرَنَا سُفْيَانُ بْنُ حُسَيْنٍ الْمَعْنَى عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَذْخَلَ فَرَسًا بَيْنَ فَرَسَيْنِ» يَعْنِي وَهُوَ لَا يُؤْمِنُ أَنْ يُسَبِّقَ «فَلَيْسَ بِقِمَارٍ، وَمَنْ أَذْخَلَ فَرَسًا بَيْنَ فَرَسَيْنِ وَقَدْ آمِنَ أَنْ يُسَبِّقَ فَهُوَ قِمَارٌ».

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الجهاد، باب السبق والرهان، ح: ٢٨٧٦ من حديث سفیان بن حسین به وهو ضعيف عن الزهري.

2580. (Another chain) from Az-Zuhri, with the chain of 'Abbād, with its meaning (similar to no. 2579). (*Da'if*)

Abū Dāwud said: Ma'mar, Shu'aib and 'Aqil reported it from Az-Zuhri, from some men from the people of knowledge. And this (narration) is more correct according to us.

٢٥٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ سَعِيدِ بْنِ بَشِيرٍ، عَنِ الزُّهْرِيِّ بِإِسْنَادِ عَبَادٍ وَمَعْنَاهُ. قَالَ أَبُو دَاوُدَ: رَوَاهُ مَعْمَرٌ وَشُعَيْبٌ وَعُقَيْلٌ عَنِ الزُّهْرِيِّ عَنْ رِجَالٍ مِنْ أَهْلِ الْعِلْمِ، وَهَذَا أَصَحُّ عِنْدَنَا.

تخريج: [إسناده ضعيف] أخرجه ابن عبد البر في التمهيد: ٨٨/١٤ من حديث أبي داود به، وانظر الحديث السابق.

Chapter 63. Practicing *Al-Jalab*^[1] With Horses In Racing

(المعجم ٦٣) بَابُ: فِي الْجَلَبِ عَلَى الْخَيْلِ فِي السَّبَاقِ (التحفة ٧٠)

2581. It was reported from Al-

٢٥٨١ - حَدَّثَنَا يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا

[1] See nos. 1591 and 1592 where similar is narrated regarding *Zakāh*, and its definition in that case. It has mostly been narrated by the *Hadith* compilers as a no. dealing with *Zakāt* and the prohibition of the *Shighār* marriage. In regard to racing, Al-Khattābī

Hasan, from 'Imrān bin Huṣain, from the Prophet ﷺ who said: "There is no *Jalab*, nor *Janab*." In his narration, Yaḥyā (one of the narrators) added: "in competition." (*Hasan*)

عَبْدُ الْوَهَّابِ بْنُ عَبْدِ الْمَجِيدِ: حَدَّثَنَا عُبَيْدُ اللَّهِ؛
ح: وَحَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَشْرُ بْنُ الْمُفَضَّلِ عَنْ
حُمَيْدِ الطَّوِيلِ جَمِيعًا، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ
ابْنِ حُصَيْنٍ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا جَلَبَ وَلَا
جَنْبَ». زَادَ يَحْيَى فِي حَدِيثِهِ: «فِي الرَّهَانِ».

تخريج: [حسن] أخرجه النسائي، النكاح، باب الشغار، ح: ٣٣٣٧ والترمذي، ح: ١١٢٣ من حديث بشر ابن المفضل به، ورواه ابن ماجه، ح: ٣٩٣٧ من حميد وللحديث شواهد.

2582. It was reported from Qatādah who said: "*Al-Jalab* and *Al-Janab* is in competition." (*Daʿīf*)

٢٥٨٢ - حَدَّثَنَا ابْنُ الْمُثَنَّى: حَدَّثَنَا
عَبْدُ الْأَعْلَى عَنْ سَعِيدٍ، عَنْ قَتَادَةَ قَالَ:
الْجَلَبُ وَالْجَنْبُ فِي الرَّهَانِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢١/١٠ من حديث أبي داود به * سعيد بن أبي عروبة عن.

Chapter 64. Regarding Embellishing The Sword With Silver

(المعجم ٦٤) بَابُ: فِي السَّيْفِ يُحَلَّى
(التحفة ٧١)

2583. It was reported from Qatādah, from Anas who said: "The hand guard on the sword of the Messenger of Allāh ﷺ was made from silver." (*Ṣaḥīḥ*)

٢٥٨٣ - حَدَّثَنَا مُسْلِمٌ بْنُ أَبِرَاهِيمَ: حَدَّثَنَا
جَرِيرُ بْنُ حَازِمٍ: حَدَّثَنَا قَتَادَةُ عَنْ أَنَسٍ قَالَ:
كَانَتْ قَبِيْعَةُ سَيْفِ رَسُولِ اللَّهِ ﷺ فِصَّةً.

تخريج: [صحيح] أخرجه النسائي، الزينة، باب حلية السيف، ح: ٥٣٧٦ والترمذي، ح: ١٦٩١ من حديث جرير بن حازم به وقال: "حسن غريب" وللحديث شاهد عند النسائي، ح: ٥٣٧٥ وسنده صحيح وصححه ابن الملقن في تحفة المحتاج ١/١٤٧، ح: ١٩٠.

explained *Al-Jalab* (*Ma'ālam As-Sunan*): "This is explained as; that the horse should not be yelled at during the race, nor goaded by any kind of goading to make it run faster. It is only required that their riders prod them by moving the bridle and pulling the reins, and prodding them on with the whip and spurs, and similar to that, without yelling at them with the voice. And it has been said that its meaning is that people congregate, lining up, standing along the two sides, and yelling, so they were prohibited from that. As for *Al-Janab*, it is said that they would have a horse run alongside, until when they were near the finish, they would alternate from the mount when had fatigued, mounting the horse that was not ridden yet. So that was prohibited." In *An-Nihāyah* Ibn Al-Athīr said about *Al-Jalab*: "It is that a man follows behind his horse encouraging it, yelling and screaming at it, to goad it to continue, so that was prohibited." And about *Al-Janab*, he said similar to *Al-Khaṭṭābī*.

2584. (Another chain) from Qatādah, from Sa‘eed Ibn Abī Al-Ḥasan, who said: “The hand guard on the sword of the Messenger of Allāh ﷺ was made from silver.” (*Ṣaḥīḥ*)

Qatādah said: “I do not know anyone who followed him up in (narrating) that.”^[1]

٢٥٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ سَعِيدِ بْنِ أَبِي الْحَسَنِ قَالَ: كَانَتْ قَبِيْعَةُ سَيْفِ رَسُولِ اللَّهِ ﷺ فِضَّةً. قَالَ قَتَادَةُ: وَمَا عَلِمْتُ أَحَدًا تَابَعُهُ عَلَى ذَلِكَ.

تخريج: [صحيح] انظر الحديث السابق، وأخرجه البيهقي: ١٤٣/٤ من حديث أبي داود به، ورواه النسائي، ح: ٥٣٧٧.

2585. It was reported from ‘Uthmān bin Sa‘d, from Anas bin Mālik, who said: — and he mentioned similarly (as no. 2584). (*Ṣaḥīḥ*)

Abū Dāwud said: The strongest of these *Ḥadīths* is the *Ḥadīth* of Sa‘eed bin Abī Al-Ḥasan, and the rest are weak.

٢٥٨٥ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنِي يَحْيَى بْنُ كَثِيرٍ أَبُو عَسَانَ الْعُبَيْرِيُّ عَنْ عُثْمَانَ بْنِ سَعْدٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ فَذَكَرَ مِثْلَهُ.

قَالَ أَبُو دَاوُدَ: أَقْوَى هَذِهِ الْأَحَادِيثِ حَدِيثُ سَعِيدِ بْنِ أَبِي الْحَسَنِ، وَالْبَاقِيَةُ ضِعَافٌ.

تخريج: [صحيح] انظر الحديثين السابقين وأخرجه البيهقي: ١٤٣/٤ من حديث يحيى بن كثير به.

Chapter 65. Regarding Entering The Masjid With An Arrow

2586. Jābir narrated that the Messenger of Allāh ﷺ ordered a man who used to give out arrows in charity in the Masjid, not to pass through unless he was holding them by their heads. (*Ṣaḥīḥ*)

(المعجم ٦٥) بَابُ: فِي النَّبْلِ يُدْخَلُ فِي الْمَسْجِدِ (التحفة ٧٢)

٢٥٨٦ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ عَنْ رَسُولِ اللَّهِ ﷺ: أَنَّهُ أَمَرَ رَجُلًا كَانَ يَتَصَدَّقُ بِالنَّبْلِ فِي الْمَسْجِدِ أَنْ لَا يَمُرَّ بِهَا إِلَّا وَهُوَ آخِذٌ بِنُصُولِهَا.

^[1] Some of the commentaries consider this to be a mistake, and that it should be “Abū Dāwud said:” and the meaning would be that Abū Dāwud does not know of anyone else who narrated it like this, except for Jarīr bin Ḥāzim, who narrated number 2583; meaning — if this is correct — that the author considers the correct narration from Qatādah to be the one he narrated from Sa‘eed, who is the brother of Al-Ḥasan Al-Baṣrī.

تخریج: أخرجه مسلم، البر والصلة، باب أمر من مر بسلاح، في مسجد أو سوق أو غيرهما من المواضع الجامعة للناس، أن يمسك بنصالها، ح: ١٢٢/٢٦١٤ عن قتيبة به.

2587. Abū Mūsā narrated that the Messenger of Allāh ﷺ said: "If one of you passes through our *Masjid*, or our marketplace, with an arrow, he should hold it's head" or he said: "he should hold it with his palm," or he said: "he should hold it with his palm so that no harm is done to any Muslims." (*Ṣaḥīḥ*)

٢٥٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ عَنْ بُرَيْدٍ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «إِذَا مَرَّ أَحَدُكُمْ فِي مَسْجِدِنَا، أَوْ فِي سُوقِنَا، وَمَعَهُ نَبْلٌ، فَلْيُمْسِكْ عَلَى نِصَالِهَا»، أَوْ قَالَ: «فَلْيَقْبِضْ كَفَّهُ» أَوْ قَالَ: «فَلْيَقْبِضْ بِكَفِّهِ أَنْ تُصِيبَ أَحَدًا مِنَ الْمُسْلِمِينَ».

تخریج: أخرجه البخاري، الفتن، باب قول النبي ﷺ: "من حمل علينا السلاح فليس منا"، ح: ٧٠٧٥ ومسلم، البر والصلة، باب أمر من مر بسلاح في مسجد أو سوق... إلخ، ح: ٢٦١٥ عن أبي كريب محمد بن العلاء به.

Chapter 66. Regarding The Prohibition Of Passing An Unsheathed Sword

(المعجم ٦٦) **بَابُ: فِي النَّهْيِ أَنْ يُتَعَاطَى السَّيْفُ مَسْلُولاً** (التحفة ٧٣)

2588. Jābir narrated: "The Prophet ﷺ prohibited passing an unsheathed sword." (*Daʿīf*)

٢٥٨٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ: أَنَّ النَّبِيَّ ﷺ نَهَى أَنْ يُتَعَاطَى السَّيْفُ مَسْلُولاً.

تخریج: [إسناده ضعيف] أخرجه الترمذي، الفتن، باب ما جاء في النهي عن تعاطي السيف مسلولا، ح: ٢١٦٣ من حديث حماد بن سلمة به وقال: "حسن غريب" وصححه الحاكم على شرط مسلم: ٢٩٠/٤ ووافقه الذهبي، وللحديث شواهد ضعيفة * أبو الزبير عنن.

Comments:

It is a safety measure against the possibility of the sword accidentally injuring someone.

Chapter 67. The Prohibition Of Cutting A Strap Between Two Fingers

(المعجم ٦٧) **بَابُ النَّهْيِ أَنْ يُقَدَّ السَّيْرُ بَيْنَ إَصْبَعَيْنِ** (التحفة ٧٤)

2589. It was reported from Al-Ḥasan, from Samurah bin Jundab that the Messenger of Allāh ﷺ

٢٥٨٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا قُرَيْشُ بْنُ أَنَسٍ: حَدَّثَنَا أَشْعَثُ عَنْ الْحَسَنِ،

prohibited cutting a strap between two fingers.

عن سُمْرَةَ بْنِ جُنْدُبٍ: أَنَّ رَسُولَ اللَّهِ ﷺ نَهَى أَنْ يُقَدَّ السَّيْرُ بَيْنَ إصْبَعَيْنِ.

تخريج: [حسن] أخرجه الطبراني في الكبير: ٢٢٤/٧، ح: ٦٩٣٥ من حديث قريش بن أنس به وصنيع الحافظ في التهذيب يدل على أن سماع محمد بن بشار وابن المديني من قريش بن أنس قبل اختلاطه وباقي السند صحيح، الحسن عن سمرة كتاب لا يضره تدليس الحسن والرواية عن الكتاب صحيحة ما لم يثبت الجرح فيه.

Comments:

This method of cutting something is fraught with the risk of injuring the cutter's hand in the process. The leather must be put on a piece of stone or wood for cutting. So it resembles, in its meaning, his prohibition of handing someone an unsheathed sword.

Chapter 68. Regarding Wearing Coats Of Mail

(المعجم ٦٨) بَابُ: فِي لَبْسِ الدَّرُوعِ
(التحفة ٧٥)

2590. It was reported from As-Sā'ib bin Yazīd, from a man whom he named: "The Messenger of Allāh ﷺ used two coats of mail on the Day of (the battle of) Uhūd," or: "he wore two coats of mail."^[1] (*Ṣaḥīḥ*)

٢٥٩٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفْيَانُ قَالَ: حَسِبْتُ أَنِّي سَمِعْتُ يَزِيدَ بْنَ خُصَيْفَةَ يَذْكُرُ عَنِ السَّائِبِ بْنِ يَزِيدَ، عَنْ رَجُلٍ قَدْ سَمَاهُ: أَنَّ رَسُولَ اللَّهِ ﷺ ظَاهَرَ يَوْمَ أُحُدٍ بَيْنَ دِرْعَيْنِ أَوْ لَبْسَ دِرْعَيْنِ.

تخريج: [صحيح] للحديث شاهد عند الترمذي، ح: ٣٧٣٨ وقال: "حسن صحيح غريب" وصححه الحاكم على شرط مسلم: ٢٥/٣ ووافقه الذهبي.

Chapter 69. On Flags And Banners

(المعجم ٦٩) بَابُ: فِي الرَّايَاتِ
وَالْأَلْوِيَةِ (التحفة ٧٦)

2591. It was reported from Yūnus bin 'Ubaid, the freed slave of Muḥammad bin Al-Qāsim (who said): "Muḥammad bin Al-Qāsim sent me to Al-Barā' bin 'Āzib to ask him about the flag of the Messenger of Allāh ﷺ. He said: 'It was black and square, made of

٢٥٩١ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا ابْنُ أَبِي رَائِدَةَ: أَخْبَرَنَا أَبُو يَعْقُوبَ التَّمِيمِيُّ: حَدَّثَنِي يُونُسُ بْنُ عُبَيْدٍ مَوْلَى مُحَمَّدِ بْنِ الْقَاسِمِ قَالَ: بَعَثَنِي مُحَمَّدُ بْنُ الْقَاسِمِ إِلَى الْبَرَاءِ بْنِ عَازِبٍ يَسْأَلُهُ عَنْ رَايَةِ رَسُولِ اللَّهِ ﷺ مَا كَانَتْ؟ فَقَالَ: كَانَتْ سَوْدَاءَ

[1] That is, the narrator was not sure if it was; "Zāhara" (used) or; "Labisa" (wore).

Namirah.”^[1] (*Hasan*)

مُرَبَّعَةٌ مِنْ نَمِرَةٍ.

تخريج: [إسناده حسن] أخرجه الترمذي، الجهاد، باب ما جاء في الرايات، ح: ١٦٨٠ من حديث يحيى بن زكريا بن أبي زائدة به وقال: "حسن غريب".

2592. It was reported from Abū Az-Zubair, from Jābir, and he attributed it to the Prophet ﷺ, that when he (ﷺ) entered Makkah, his banner was white. (*Hasan*)

٢٥٩٢ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الْمَرْوَزِيُّ وَهُوَ ابْنُ رَاهَوِيَةَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا شَرِيكٌ عَنْ عَمَّارِ الدُّهْنِيِّ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ يَرْفَعُهُ إِلَى النَّبِيِّ ﷺ أَنَّهُ كَانَ لِوَأْوُهُ يَوْمَ دَخَلَ مَكَّةَ أَيْضًا.

تخريج: [حسن] أخرجه الترمذي، الجهاد، باب ما جاء في الأولوية، ح: ١٦٧٩ والنسائي، ح: ٢٨٦٩ وابن ماجه، ح: ٢٨١٧ من حديث يحيى بن آدم به وقال الترمذي: "غريب" وله شاهد حسن عند ابن ماجه، ح: ٢٨١٨.

2593. It was reported from Simāk, from a man among his people, from another man among them: "I saw that the flag of the Messenger of Allāh ﷺ was yellow." (*Da'if*)

٢٥٩٣ - حَدَّثَنَا عَقْبَةُ بْنُ مُكْرَمٍ: حَدَّثَنَا سَلْمُ بْنُ قُتَيْبَةَ الشَّعِيرِيُّ عَنْ شُعْبَةَ، عَنْ سِمَاكٍ، عَنْ رَجُلٍ مِنْ قَوْمِهِ، عَنْ آخَرَ مِنْهُمْ قَالَ: رَأَيْتُ رَايَةَ رَسُولِ اللَّهِ ﷺ صَفْرَاءَ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٦٣/٦ من حديث أبي داود، وأبو الشيخ في أخلاق النبي ﷺ، ص: ١٤٥ من حديث سلم بن قتيبة به * رجل من قومه: مجهول.

Chapter 70. Seeking Assistance From Allāh By (Supplication, Worship Etc.) Of Weak Horses and Weak People

(المعجم ٧٠) بَابُ: فِي الْإِنْتِصَارِ بِرُذُلِ الْخَيْلِ وَالضَّعْفَةِ (التحفة ٧٧)

2594. It was reported from Zaid bin Arṭāh Al-Fazārī, from Jubair bin Nufair Al-Ḥaḍramī that he heard Abū Ad-Dardā' saying: "I heard the Messenger of Allāh ﷺ say: 'Seek (and bring for) me your

٢٥٩٤ - حَدَّثَنَا مُؤَمَّلُ بْنُ الْفَضْلِ الْحَرَائِيُّ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا ابْنُ جَابِرٍ عَنْ زَيْدِ بْنِ أَرْطَاةَ الْفَزَارِيِّ، عَنْ جُبَيْرِ بْنِ نُفَيْرٍ الْحَضْرَمِيِّ أَنَّهُ سَمِعَ أَبَا الدَّرْدَاءِ يَقُولُ:

^[1] *Namirah* is a type of *Burd* made of wool with black and white designs, and some of them say it may have reddish color, meaning, resembling a leopard. In this case, they say it is being used to mean black and white design.

weak ones, for you are only provided with sustenance and granted assistance through your weak.”^[1] (*Ṣaḥīḥ*)

Abū Dāwud said: Zaid bin Arṭāh is the brother of ‘Adī bin Arṭāh.

سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «أُبْعُونِي الضُّعَفَاءَ فَإِنَّمَا تُرْزَقُونَ وَتُنْصَرُونَ بِضُعَفَائِكُمْ». قَالَ أَبُو دَاوُدَ: زَيْدُ بْنُ أَرْطَاةَ أَخُو عَدِيِّ ابْنِ أَرْطَاةَ.

تخريج: [صحيح] أخرجه الترمذي، الجهاد، باب ما جاء في الاستفتاح بصعاليك المسلمين، ح: ١٧٠٢ من حديث عبدالرحمن بن يزيد بن جابر به وقال: "حسن صحيح" ورواه النسائي: ٣١٨١ وصححه ابن حبان: ١٦٢٠ والحاكم: ١٤٥/٢.

Chapter 71. Regarding A Man Who Calls Out A Code Word

2595. It was reported from Al-Ḥasan, from Samurah bin Jundab who said: “The code word of the *Muhājirīn* (Emigrants) was “‘Abdullāh,’ and that of the *Anṣār* (Helpers) was “‘Abdur-Raḥmān.” (*Ḍa‘īf*)

(المعجم ٧١) بَابُ: فِي الرَّجُلِ يَنَادِي
بِالشَّعَارِ (التحفة ٧٨)

٢٥٩٥ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا يَزِيدُ بْنُ هَارُونَ عَنْ الْحَجَّاجِ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ قَالَ: كَانَ شِعَارُ الْمُهَاجِرِينَ عَبْدُ اللَّهِ، وَشِعَارُ الْأَنْصَارِ عَبْدُ الرَّحْمَنِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٦١/٦ من حديث أبي داود به * حجاج بن أرتاة وقناة: مدلسان وعنعنا.

2596. It was reported from Iyās bin Salamah, from his father, who said: “We went on an expedition with Abū Bakr (may Allāh be pleased with him) during the life of the Messenger of Allāh ﷺ, and our code word was: *Amit*, *Amit* (‘put to death, put to death.’).”^[2] (*Ḥasan*)

٢٥٩٦ - حَدَّثَنَا هَنَادٌ عَنْ ابْنِ الْمُبَارَكِ، عَنْ عِكْرِمَةَ بْنِ عَمَّارٍ، عَنْ إِيَّاسِ بْنِ سَلَمَةَ، عَنْ أَبِيهِ قَالَ: غَزَوْنَا مَعَ أَبِي بَكْرٍ [رَضِيَ اللَّهُ عَنْهُ] زَمَنَ رَسُولِ اللَّهِ ﷺ، فَكَانَ شِعَارُنَا: أَمِيتُ أَمِيتُ.

تخريج: [إسناده حسن] أخرجه ابن ماجه، الجهاد، باب الغارة والبيات وقتل النساء والصبيان، ح: ٢٨٤٠ من حديث عكرمة بن عمار به وصححه الحاكم على شرط الشيخين: ١٠٧/٢ ووافقه الذهبي.

^[1] Meaning, by their sincere supplications and worship.

^[2] See no. 2638.

2597. It was reported from Al-Muhallab bin Abī Ṣufrah who said: "I was informed by someone who heard the Prophet ﷺ saying: 'If you suffer a surprise attack from the enemy then say: *Ha Mīm*, they will not be victorious.'" (*Ṣaḥīh*)

٢٥٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ أَبِي إِسْحَاقَ، عَنِ الْمُهَلَّبِ بْنِ أَبِي صُفْرَةَ قَالَ: أَخْبَرَنِي مَنْ سَمِعَ النَّبِيَّ ﷺ يَقُولُ: «إِنْ يُبِيتُمْ فَلْيَكُنْ شِعَارُكُمْ حَمْ لَا يُنْصَرُونَ».

تخريج: [صحيح] أخرجه الترمذي، الجهاد، باب ما جاء في الشعار، ح: ١٦٨٢ من حديث سفيان الثوري به وصححه الحاكم على شرط البخاري ومسلم: ١٠٧/٢ ووافقه الذهبي * أبو إسحاق صرح بالسمع عند عبدالرزاق: ٥/٢٣٣، ح: ٩٤٦٧.

Comments:

The advantage accruing from fixing a code word is that, even in dark hours, it helps identify the ally from the enemy. Also it makes it possible to apprehend the spy and the intruder.

Chapter 72. What A Man Should Say When Setting Out On A Journey

(المعجم ٧٢) بَابُ: مَا يَقُولُ الرَّجُلُ إِذَا سَافَرَ (التحفة ٧٩)

2598. It was reported from Abū Hurairah: "When proceeding on a journey, the Messenger of Allāh ﷺ would say: *'Allāhumma antas-ṣāhibu fis-Safarī wal-khalīfatu fil-ahli. Allāhumma innī a'ūdhubika min wa'thā'is-safari wa ka'ābatil-munqalab wa sūw'il-munzari fil-ahli wal-māl. Allāhummatwi lanal-arḍa wa hawwin 'alainas-safar* (O Allāh, You are the Companion on the journey, and the Caretaker for the family. O Allāh, I seek refuge in You from the difficulties of journey, and from returning in great sadness, and from someone looking with evil at our families and wealth. O Allāh, gather for us the earth, and ease for us the journey)."

٢٥٩٨ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى: حَدَّثَنَا مُحَمَّدُ بْنُ عَجَلَانَ: حَدَّثَنِي سَعِيدُ الْمَقْبُرِيُّ عَنْ أَبِي هُرَيْرَةَ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا سَافَرَ قَالَ: «اللَّهُمَّ! أَنْتَ الصَّاحِبُ فِي السَّفَرِ وَالْخَلِيفَةُ فِي الْأَهْلِ، اللَّهُمَّ! إِنِّي أَعُوذُ بِكَ مِنْ وَعْثَاءِ السَّفَرِ وَكَآبَةِ الْمُنْقَلَبِ وَسُوءِ الْمُنْظَرِ فِي الْأَهْلِ وَالْمَالِ، اللَّهُمَّ! أَطْوِ لَنَا الْأَرْضَ وَهَوِّنْ عَلَيْنَا السَّفَرَ».

تخريج: [إسناده حسن] أخرجه أحمد: ٤٣٣/٢ عن يحيى القطان به، ورواه النسائي في عمل

اليوم والليلة، ح: ٥٠٠ وله شاهد عند مسلم، ح: ١٣٤٢ وغيره.

2599. It was reported from Abū Az-Zubair, that ‘Alī Al-Azdī informed him, that Ibn ‘Umar taught him; “When the Messenger of Allāh ﷺ would go on a journey, after sitting on the back of the camel, he would say ‘*Allāhu Akbaru*’ (Allāh is the Most Great) three times, then say: ‘*Subhān-allādhī sakhkhara lanā hādhā wamā kunnā lahu muqrinīn, wa innā ilā rabbinnā lamunqabilūna. Allāhumma innī as’aluka fī safarinā hādhā al-birra wat-taqwā, wa minal-‘amali mā tarḍā. Allāhumma hawwin ‘alainā safaranā hādhā. Allāhummaṭwi lannāl-bu’dahu. Allāhumma antaṣ-ṣāhibu fis-safari, wal-khalīfatu fil-ahli wal-māl*’ (Glory is to Allāh Who has placed this (transport) at our service and we ourselves would not have been capable of that, and to our Lord is our final destiny.^[1] O Allāh, indeed I ask You for righteousness and piety in this journey of ours, and we ask You for deeds which please You. O Allāh, make our journey easy and let us cover its distance quickly. O Allāh, You are the Companion on the journey and the Caretaker for the family and wealth).’ And when he returned he would say that, and add: ‘*Ābūna tā’ibūn ‘ābidūna lirabbinnā ḥāmidūn* (We are) Returning, repenting, worshipping our Lord, praising).’ And whenever the Prophet ﷺ and his armies ascended high ground they

٢٥٩٩ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنِي ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّ عَلِيًّا الْأَزْدِيَّ أَخْبَرَهُ أَنَّ ابْنَ عُمَرَ عَلَّمَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إِذَا اسْتَوَى عَلَى بَعِيرِهِ خَارِجًا إِلَى سَفَرٍ كَبَّرَ ثَلَاثًا ثُمَّ قَالَ: «سُبْحَانَ الَّذِي سَخَّرَ لَنَا هَذَا وَمَا كُنَّا لَهُ مُقْرِنِينَ، وَإِنَّا إِلَى رَبِّنَا لَمُنْقَلِبُونَ. اللَّهُمَّ! إِنِّي أَسْأَلُكَ فِي سَفَرِنَا هَذَا الْبِرَّ وَالتَّقْوَى، وَمِنْ الْعَمَلِ مَا تَرْضَى. اللَّهُمَّ! هَوِّنْ عَلَيْنَا سَفَرَنَا هَذَا. اللَّهُمَّ! اطْوِ لَنَا الْبُعْدَ. اللَّهُمَّ! أَنْتَ الصَّاحِبُ فِي السَّفَرِ وَالْخَلِيفَةُ فِي الْأَهْلِ وَالْمَالِ». وَإِذَا رَجَعَ قَالَهُنَّ وَرَادَ فِيهِنَّ: «أَتَيْبُونَ تَائِبُونَ عَابِدُونَ لِرَبِّنَا حَامِدُونَ». وَكَانَ النَّبِيُّ ﷺ وَجُوشُهُ إِذَا عَلَوْا الثَّنَائَا كَبَّرُوا، وَإِذَا هَبَطُوا سَبَّحُوا، فَوَضِعَتِ الصَّلَاةُ عَلَى ذَلِكَ.

^[1] Az-Zukhruf 43: 13,14.

would say: ‘*Allāhu Akbar* (Allāh is the Most Great),’ and when they descended, they would say: ‘*Subhan Allāh* (Glory is to Allāh).’ So the *Salāt* has been organized according to that.^[1] (*Ṣaḥīḥ*)

تخريج: [صحيح] أخرجه مسلم، الحج، باب استحباب الذكر إذا ركب دابته متوجهاً لسفر حج أو غيره ... إلخ، ح: ١٣٤٢ من حديث ابن جريج به دون قوله: "وكان النبي ﷺ وجيوشه إذا علوا الثنايا ... إلخ".

Chapter 73. Regarding the Supplication During A Farewell

(المعجم ٧٣) بَابُ: فِي الدُّعَاءِ عِنْدَ
الْوَدَاعِ (التحفة ٨٠)

2600. It was reported from Qaza‘ah, who said: “Ibn ‘Umar said to me: ‘Come, I will bid you farewell, as the Messenger of Allāh ﷺ bid farewell to me: “*Astawdi‘ullāha dīnak wa amānatak, wa khawātima a‘mālik* (I entrust to Allāh your religion, your responsibilities, and your final deeds).” (*Ṣaḥīḥ*)

٢٦٠٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دَاوُدَ عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ، عَنْ إِسْمَاعِيلَ ابْنِ جَرِيرٍ، عَنْ قَزَعَةَ قَالَ: قَالَ لِي ابْنُ عُمَرَ: هَلُمَّ أودعك كما ودعني رسول الله ﷺ، «أستودعُ الله دينك وأمانتك وخواتيمَ عملك».

تخريج: [صحيح] أخرجه أحمد: ٣٨/٢ من حديث عبدالعزيز بن عمر به وللحديث شواهد عند الترمذي، ح: ٣٤٤٣ وابن حبان، ح: ٢٣٧٦ وغيرهما.

2601. It was reported from ‘Abdullāh Al-Khaṭmī who said: “When the Prophet ﷺ wanted to bid farewell an army, he would say to them: ‘*Astawdi‘ullāha dīnakum wa amānatakum, wa khawātima a‘mālikum* (I entrust to Allāh your religion, your responsibilities and your final deeds).” (*Ṣaḥīḥ*)

٢٦٠١ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى بْنُ إِسْحَاقَ السَّيْلَجِيُّ: حَدَّثَنَا حَمَادُ ابْنُ سَلَمَةَ عَنْ أَبِي جَعْفَرٍ الْخَطْمِيِّ، عَنْ مُحَمَّدِ بْنِ كَعْبٍ، عَنْ عَبْدِ اللَّهِ الْخَطْمِيِّ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا أَرَادَ أَنْ يَسْتودعَ الْجَيْشَ قَالَ: «أستودعُ الله دينكم وأمانتكم وخواتيمَ أَعْمَالِكُمْ».

^[1] That is, saying *Allāhu Akbar* while rising, and saying glorifications of Allāh during prostration. Something similar is narrated in no. 2770.

تخريج: [إسناده صحيح] أخرجه النسائي في عمل اليوم والليلة، ح: ٥٠٧ من حديث حماد ابن سلمة به وصححه النووي في رياض الصالحين، ح: ٧١٦ (بتحقيقي).

Chapter 74. Supplication At The Time Of Mounting An Animal

(المعجم ٧٤) - بَابُ مَا يَقُولُ الرَّجُلُ إِذَا رَكِبَ (التحفة ٨١)

2602. ‘Alī bin Rabī‘ah said: “ I witnessed ‘Alī having an animal brought to him to ride. When he placed his foot in the stirrup he said: ‘In the Name of Allāh’. So then, once he had ascended upon its back, he said: ‘All praise is due to Allāh,’ then he said: Glory is to Allāh Who has placed this (transport) at our service and we ourselves would not have been capable of that, and to our Lord is our final destiny.^[1] Then he said: ‘All praise is due to Allāh (*Al-Hamdulillāh*)’ — three times — then he said: ‘Allāh is the Most Great (*Allāhu Akbar*)’ — three times then he said: ‘Glory is to You, indeed I have wronged myself, so forgive me, indeed none forgives sins except for You. (*Subhānaka innī qad ḡalamtu nafsī fāghfirli fa-Innahu lā yaghfirudh-dhunuba illā Anta*).’ Then he laughed. So I said: ‘O Commander of the Believers! What made you to laugh?’ He said: ‘I saw Allāh’s Messenger ﷺ do as I did then laugh so I said, ‘O Messenger of Allāh! What caused you to laugh?’ He said: ‘Indeed, your Lord. Most High, is pleased with His worshiper when he says: “Forgive me my sins,” (saying) “knowing that

٢٦٠٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو الْأَحْوَصِ: حَدَّثَنَا أَبُو إِسْحَاقَ الْهَمْدَانِيُّ عَنْ عَلِيِّ بْنِ رَبِيعَةَ قَالَ: شَهِدْتُ عَلِيًّا وَأَيِّي بِدَابَّةٍ لِيَرْكَبَهَا، فَلَمَّا وَضَعَ رِجْلَهُ فِي الرَّكَابِ قَالَ: بِسْمِ اللَّهِ، فَلَمَّا اسْتَوَى عَلَى ظَهْرِهَا قَالَ: الْحَمْدُ لِلَّهِ، ثُمَّ قَالَ: سُبْحَانَ الَّذِي سَخَّرَ لَنَا هَذَا وَمَا كُنَّا لَهُ مُقْرِنِينَ وَإِنَّا إِلَى رَبِّنَا لَمُنْقَلِبُونَ، ثُمَّ قَالَ: الْحَمْدُ لِلَّهِ، ثَلَاثَ مَرَّاتٍ، ثُمَّ قَالَ: اللَّهُ أَكْبَرُ ثَلَاثَ مَرَّاتٍ، ثُمَّ قَالَ: سُبْحَانَكَ إِنِّي ظَلَمْتُ نَفْسِي فَاغْفِرْ لِي، إِنَّهُ لَا يَغْفِرُ الذُّنُوبَ إِلَّا أَنْتَ، ثُمَّ صَحِكَ، فَقِيلَ: يَا أَمِيرَ الْمُؤْمِنِينَ! مِنْ أَيْ شَيْءٍ صَحِكتَ؟ قَالَ: رَأَيْتُ رَسُولَ اللَّهِ ﷺ فَعَلَّ كَمَا فَعَلْتُ، ثُمَّ صَحِكَ فَقُلْتُ: يَا رَسُولَ اللَّهِ! مِنْ أَيْ شَيْءٍ صَحِكتَ؟ قَالَ: «إِنَّ رَبَّكَ تَعَالَى يَعْجَبُ مِنْ عَبْدِهِ إِذَا قَالَ: اغْفِرْ لِي ذُنُوبِي، يَعْلَمُ أَنَّهُ لَا يَغْفِرُ الذُّنُوبَ غَيْرِي».

^[1] Az-Zukhruf 43: 13,14.

none forgives sins other than Me.”

(*Ṣaḥīḥ*)

تخریج: [صحيح] أخرجه الترمذي، الدعوات، باب ما جاء ما يقول إذا ركب دابة، ح: ٣٤٤٦ من حديث أبي الأحوص به وقال: "حسن صحيح" وصححه ابن حبان، ح: ٢٣٨٠، ٢٣٨١ والحاكم على شرط مسلم: ٩٨/٢، ٩٩ ووافقه الذهبي * أبو إسحاق صرح بالسماع عند البيهقي: ٢٥٢/٥.

Comments:

Islam desires to cultivate in man a culture in which he lets no moment of life go by without being mindful of his Master and Creator. It, therefore, behooves all of us in all the circumstances of life to pay our thanks and gratitude to Allāh for the favours He has bestowed upon us. Likewise, it is necessary that, to the best of our ability, we try to emulate the example of the Messenger of Allāh ﷺ in whatever he ﷺ practised or performed.

Chapter 75. What A Man Says When Dismounting At Camp

(المعجم ٧٥) - بَابُ مَا يَقُولُ الرَّجُلُ إِذَا نَزَلَ الْمَنْزِلَ (التحفة ٨٢)

2603. It was reported from Az-Zubair bin Al-Walīd, from ‘Abdullāh bin (‘Umar), who said: “Whenever the Messenger of Allāh ﷺ was traveling and night approached, he would say: *‘Yā Arḍ! Rabbī wa Rabbukillāh, a‘ūdhu billāhi min sharriki wa sharri mā fiki, wa sharri mā khuliqa fiki, wa min sharri mā yadibbu ‘alaiki. Wa a‘ūdhu billāhi min asadin wa aswada, wa minal-ḥayyati wal-‘aqribi, wa min sākinil-balad, wa min wālidin wa māwalad* (O earth! My Lord and your Lord is Allāh, I seek refuge in Allāh from your evil, from the evil of what you contain, from the evil of what has been created in you, from the evil of what creeps on you, and I seek refuge in Allāh from lions and large snakes, and from other snakes and scorpions, and from the evil of those who (Jinn and human)

٢٦٠٣ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ: حَدَّثَنَا بَقِيَّةٌ: حَدَّثَنِي صَفْوَانٌ: حَدَّثَنِي شُرَيْحُ بْنُ عُبَيْدٍ عَنْ الزُّبَيْرِ بْنِ الْوَلِيدِ، عَنْ عَبْدِ اللَّهِ بْنِ [عُمَرَ] قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا سَافَرَ فَأَقْبَلَ اللَّيْلَ قَالَ: «يَا أَرْضُ! رَبِّي وَرَبُّكَ اللَّهُ، أَعُوذُ بِاللَّهِ مِنْ شَرِّكَ وَشَرِّ مَا فِيكَ وَشَرِّ مَا خُلِقَ فِيكَ، وَمِنْ شَرِّ مَا يَدِبُّ عَلَيْكَ، وَأَعُوذُ بِاللَّهِ مِنْ أَسَدٍ وَأَسْوَدَ، وَمِنْ الْحَيَّةِ وَالْعَقْرَبِ، وَمِنْ سَاكِينِ الْبَلَدِ، وَمِنْ وَالِدٍ وَمَا وَلَدَ».

inhabit the land, and from the evil of what gives birth and his offspring).” (*Hasan*)

تخريج: [حسن] أخرجه النسائي في عمل اليوم والليلة، ح: ٥٦٣ من حديث بقية وأحمد: ٢/ ١٣٢ من حديث صفوان به وصححه ابن خزيمة، ح: ٢٥٧٢ والحاكم: ١٠١/٢ ووافقه الذهبي * الزبير بن الوليد: حسن الحديث على الراجح.

Comments:

The phrase “inhabitants of this land” is said to refer to Jinns. It is also suggested that the phrase “what gives birth and his offspring” refers to *Shaitān* and his progeny.

Chapter 76. Regarding The Disapproval Of Traveling At The Beginning Of The Night

2604. It was reported from Abū Az-Zubair, from Jābir who said: “The Messenger of Allāh ﷺ said: ‘Do let your animals (*Fawāshikum*) loose when the sun has just set until the darkness of the night prevails, for the devils cause mischief when the sun has just set until the darkness of the night prevails.’” (*Ṣaḥīḥ*)

Abū Dāwud said: *Al-Fawāshī* is anything which spreads out.

تخريج: أخرجه مسلم، الأشربة، باب استحباب تخمير الإناء وهو تغطيته، ح: ٢٠١٣ من حديث زهير بن معاوية: أبي خيثمة به .

Chapter 77. Regarding Which Day Is Recommended For Travel

2605. It was reported from Ka‘b bin Mālīk, who said: “It was rare that the Messenger of Allāh ﷺ would set out to travel any day other than Thursday.” (*Ṣaḥīḥ*)

(المعجم ٧٦) **بَابُ: فِي كَرَاهِيَةِ السَّيْرِ فِي أَوَّلِ اللَّيْلِ** (التحفة ٨٣)

٢٦٠٤ - حَدَّثَنَا أَحْمَدُ بْنُ أَبِي شُعَيْبٍ الْحَرَّانِيُّ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُرْسِلُوا فَوَاشِيَكُمْ إِذَا غَابَتِ الشَّمْسُ حَتَّى تَذْهَبَ فَحَمَةُ الْعِشَاءِ، فَإِنَّ الشَّيَاطِينَ تَعِثُ إِذَا غَابَتِ الشَّمْسُ حَتَّى تَذْهَبَ فَحَمَةُ الْعِشَاءِ».

قال أبو داود: الْفَوَاشِي مَا يَنْشُو مِنْ كُلِّ شَيْءٍ.

(المعجم ٧٧) **بَابُ: فِي أَيِّ يَوْمٍ يُسْتَحَبُّ السَّفَرُ** (التحفة ٨٤)

٢٦٠٥ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ عَنْ يُونُسَ بْنِ يَرِيدٍ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ كَعْبِ بْنِ مَالِكٍ قَالَ: قُلَّ مَا كَانَ رَسُولُ اللَّهِ ﷺ يَخْرُجُ فِي سَفَرٍ إِلَّا يَوْمَ الْحَمِيسِ.

تخريج: أخرجه البخاري، الجهاد والسير، باب من أراد غزوةً فوري بغيرها ... إلخ، ح: ٢٩٤٨ من حديث ابن المبارك به وهو في سنن سعيد بن منصور، ح: ٢٣٨٠ باختلاف يسير.

Comments:

All the days are the days of Allāh. Still Thursday has a special significance inasmuch as it is on this day of the week that the deeds of men are presented before Allāh. (See no. 2571).

Chapter 78. Regarding Setting Out On A Journey During The Early Hours Of The Day

2606. It was reported from Ṣakhr Al-Ghāmīdī, from the Prophet ﷺ who said: “*Allāhumma! Bārik li ‘ummatī fi bukūrihā* (O Allāh! Bless my *Ummah* in their early mornings).” And when he sent out a detachment or an army, he would do so in the beginning of the day. Ṣakhr was a businessman and he used to send his merchandise at the beginning of the day, and he became rich, acquiring a lot of wealth. (*Hasan*)

Abū Dāwūd said: He is Ṣakhr bin Wadā‘ah.

تخريج: [حسن] أخرجه الترمذي، البيوع، باب ما جاء في التكبير بالتجارة، ح: ١٢١٢ وابن ماجه، ح: ٢٢٣٦ من حديث هشيم به وقال الترمذي: "حسن" وهو في سنن سعيد بن منصور، ح: ٢٣٨٢ وللحديث شواهد كثيرة.

Chapter 79. Regarding A Man Traveling Alone

2607. It was reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, who said: “The Messenger of Allāh ﷺ said: ‘A single rider is a *Shaiṭān*, a pair of riders are a pair of *Shaiṭān*, and three riders are a company of riders.’” (*Hasan*)

(المعجم ٧٨) بَابُ: فِي الْإِبْتِكَارِ فِي السَّفَرِ (التحفة ٨٥)

٢٦٠٦ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا هُشَيْمٌ: حَدَّثَنَا يَغْلَى بْنُ عَطَاءٍ: حَدَّثَنَا عُمَارَةُ ابْنُ حَازِمٍ عَنْ صَخْرِ الْغَامِذِيِّ عَنِ النَّبِيِّ ﷺ: «اللَّهُمَّ! بَارِكْ لَأُمَّتِي فِي بُكُورِهَا» وَكَانَ إِذَا بَعَثَ سَرِيَّةً أَوْ جَيْشًا بَعَثَهُمْ مِنْ أَوَّلِ النَّهَارِ، وَكَانَ صَخْرٌ رَجُلًا تَاجِرًا، وَكَانَ يَبْعَثُ تِجَارَتَهُ مِنْ أَوَّلِ النَّهَارِ، فَأَثَرَى وَكَثُرَ مَالُهُ. قَالَ أَبُو دَاوُدَ: وَهُوَ صَخْرُ بْنُ وَدَاعَةَ.

(المعجم ٧٩) بَابُ: فِي الرَّجُلِ يُسَافِرُ وَحْدَهُ (التحفة ٨٦)

٢٦٠٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَنْبَرِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَزْمَةَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الرَّاكِبُ شَيْطَانٌ، وَالرَّاكِبَانِ شَيْطَانَانِ، وَالثَّلَاثَةُ رَكْبٌ».

تخريج: [إسناده حسن] أخرجه الترمذي، الجهاد، باب ما جاء في كراهية أن يسافر الرجل وحده، ح: ١٦٧٤ من حديث مالك به وقال: "حسن" وهو في الموطأ (يحيى): ٩٧٨/٢ وصححه الحاكم: ١٠٢/٢ ووافقه الذهبي وحسنه البغوي في شرح السنة، ح: ٢٦٧٥.

Chapter 80. A Group Of People Traveling Together Putting One Of Them In Charge

(المعجم ٨٠) بَابُ: فِي الْقَوْمِ يُسَافِرُونَ
يُؤَمِّرُونَ أَحَدَهُمْ (التحفة ٨٧)

2608. It was reported from Abū Sa‘eed Al-Khudrī that the Messenger of Allāh ﷺ said: “When three people go out on a journey they should put one of them in charge of them.” (*Da‘if*)

٢٦٠٨ - حَدَّثَنَا عَلِيُّ بْنُ بَحْرٍ بْنِ بَرِّي: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَجَلَانَ عَنْ نَافِعٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا خَرَجَ ثَلَاثَةٌ فِي سَفَرٍ فَلْيُؤَمِّرُوا أَحَدَهُمْ».

تخريج: [إسناده ضعيف] أخرجه أبو عوانة: ١١٧/٥ من حديث علي بن بحر به * محمد بن عجلان مدلس وعنعن.

2609. It was reported from Nāfi‘, from Abū Salamah, from Abū Hurairah, that the Messenger of Allāh ﷺ said: “When there are three people on a journey, they should put one of them in charge of them.” (*Da‘if*)

٢٦٠٩ - حَدَّثَنَا عَلِيُّ بْنُ بَحْرٍ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَجَلَانَ عَنْ نَافِعٍ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا كَانَ ثَلَاثَةٌ فِي سَفَرٍ فَلْيُؤَمِّرُوا أَحَدَهُمْ»، قَالَ نَافِعٌ: فَقُلْنَا لِأَبِي سَلَمَةَ: فَأَنْتَ أَمِيرُنَا.

Nāfi‘ said: “We said to Abū Salamah: ‘So you are our commander.’”

تخريج: [إسناده ضعيف] أخرجه أبو عوانة: ١١٧/٥ من حديث علي بن بحر به وانظر الحديث السابق لعلته.

Chapter 81. Regarding Traveling To The Territory Of The Enemy With The Mushaf

(المعجم ٨١) بَابُ: فِي الْمُصْحَفِ
يُسَافِرُ بِهِ إِلَى أَرْضِ الْعَدُوِّ (التحفة ٨٨)

2610. It was reported from Mālik, from Nāfi‘ that ‘Abdullāh bin ‘Umar said: “The Messenger of Allāh ﷺ prohibited traveling with the Qur’ān to the territory of the

٢٦١٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ نَافِعٍ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ يُسَافَرَ بِالْقُرْآنِ إِلَى أَرْضِ الْعَدُوِّ، قَالَ مَالِكٌ: أَرَاهُ

enemy.” Mālik said: “I think it is out of fear that the enemy might get it.” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الجهاد والسير، باب كراهية السفر بالمصاحف إلى أرض العدو، ح: ٢٩٩٠ عن القعنبى ومسلم، الإمامة، باب النهي أن يسافر بالمصحف إلى أرض الكفار ... الخ، ح: ١٨٦٩ من حديث مالك به وهو في الموطأ (يحيى): ٤٤٦/٢.

Chapter (...) Regarding What Is Recommended In Armies, Companies, and Expeditions

(المعجم ...) بَابُ: فِي مَا يُسْتَحَبُّ
مِنَ الْجُيُوشِ وَالرُّفَقَاءِ وَالسَّرَايَا
(التحفة ٨٩)

2611. It was reported from ‘Ubaidullāh bin ‘Abdullāh, from Ibn ‘Abbās, from the Prophet ﷺ, who said: “The best number of companionship is four, the best number of expedition is four hundred, and the best number of an army is four thousand. Twelve hundred will never be defeated due to being too few in number.” (*Da‘īf*)

Abū Dāwud said: What is correct is that it is *Mursal*.

٢٦١١ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ أَبُو حَيْثَمَةَ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ يُونُسَ عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «خَيْرُ الصَّحَابَةِ أَرْبَعَةٌ وَخَيْرُ السَّرَايَا أَرْبَعُمَائَةٍ، وَخَيْرُ الْجُيُوشِ أَرْبَعَةُ آلَافٍ، وَلَنْ يُغْلَبَ اثْنَا عَشَرَ أَلْفًا مِنْ قَلَّةٍ». قَالَ أَبُو دَاوُدَ: وَالصَّحِيحُ أَنَّهُ مُرْسَلٌ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، السير، باب ما جاء في السرايا، ح: ١٥٥٥ من حديث وهب بن جرير به وقال: "حسن غريب" وصححه ابن خزيمة، ح: ٢٥٣٨ وابن حبان، ح: ٦٦٣ والحاكم على شرط الشيخين: ١/٤٤٣، ١٠١/٢ ووافقه الذهبي * الزهري: مدلس وعنن.

Chapter 82. Regarding Calling The Idolators To Islam

(المعجم ٨٢) بَابُ: فِي دُعَاءِ الْمُشْرِكِينَ
(التحفة ٩٠)

2612. It was narrated from Sulaimān bin Buraidah that his father said: “When the Messenger of Allāh ﷺ dispatched a commander for an expedition or an army, he would advise them

٢٦١٢ - حَدَّثَنَا مُحَمَّدُ بْنُ سُلَيْمَانَ الْأَنْبَارِيُّ: أَخْبَرَنَا وَكِيعٌ عَنْ سُفْيَانَ، عَنْ عُلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا بَعَثَ أَمِيرًا

personally to fear Allāh, and to be good to those of the Muslims who were under their command. And he (ﷺ) said: "When you meet your enemies among the idolators, call them to one of three matters, and whichever one they respond to you, then accept it from them and refrain from (fighting) them. Invite them to Islam, and if they respond, then accept it from them and refrain from (fighting) them. Then invite them to emigrate from their land to the land of the *Muhājirīn* (Al-Madīnah), and tell them that if they do that, they will have the same rights and duties as the *Muhājirīn* have. If they refuse, and chose their homes, then tell them that they are like the Muslim Bedouin and subject to the judgment of Allāh, as the believers are subject to it, but they will have no share of the booty (*Fai'*) and spoils (*Ghanimah*), unless they perform *Jihād* alongside the Muslims. If they refuse, then call them to pay the *Jizyah*. If they respond, then accept it from them and refrain from (fighting) them. If they refuse that, then seek the help of Allāh and fight them. If you lay siege to a stronghold, and the people want to make a deal on the basis of the ruling of Allāh, do not make a deal on the basis of the ruling of Allāh, for you cannot be certain that you will be able to work out a deal with them that is in accordance with Allāh's ruling. Rather make a deal on the basis of your own ruling, then do with them

عَلَى سَرِيَّةٍ أَوْ حَيْشٍ أَوْ صَاهُ يَتَقَوَّى اللَّهُ فِي خَاصَّةٍ نَفْسِهِ وَيَمْنُ مَعَهُ مِنَ الْمُسْلِمِينَ خَيْرًا وَقَالَ: «إِذَا لَقِيتَ عَدُوَّكَ مِنَ الْمُشْرِكِينَ فَادْعُهُمْ إِلَى إِحْدَى ثَلَاثِ خِصَالٍ أَوْ خِلَالٍ، فَأَيُّهَا أَجَابُوكَ إِلَيْهَا فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ ادْعُهُمْ إِلَى الْإِسْلَامِ، فَإِنْ أَجَابُوا فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ - ثُمَّ ادْعُهُمْ إِلَى التَّحَوُّلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِينَ، وَأَعْلِمُهُمْ أَنَّهُمْ إِنْ فَعَلُوا ذَلِكَ أَنَّ لَهُمْ مَا لِلْمُهَاجِرِينَ وَأَنَّ عَلَيْهِمْ مَا عَلَى الْمُهَاجِرِينَ، فَإِنْ أَبَوْا وَاخْتَارُوا دَارَهُمْ فَاعْلِمُهُمْ أَنَّهُمْ يَكُونُونَ كَأَعْرَابِ الْمُسْلِمِينَ يُجْرَى عَلَيْهِمْ حُكْمُ اللَّهِ الَّذِي يُجْرَى عَلَى الْمُؤْمِنِينَ وَلَا يَكُونُ لَهُمْ فِي الْفَقْرِ وَالْغَنِمَةِ نَصِيبٌ إِلَّا أَنْ يُجَاهِدُوا مَعَ الْمُسْلِمِينَ - فَإِنْ هُمْ أَبَوْا فَادْعُهُمْ إِلَى إعْطَاءِ الْجَزْيَةِ فَإِنْ أَجَابُوا فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ، فَإِنْ أَبَوْا فَاسْتَعِنْ بِاللَّهِ وَقَاتِلْهُمْ. وَإِذَا حَاصَرْتَ أَهْلَ حِصْنٍ فَأَرَادُوكَ أَنْ تُنْزِلَهُمْ عَلَى حُكْمِ اللَّهِ فَلَا تُنْزِلَهُمْ فَإِنَّكُمْ لَا تَدْرُونَ مَا يَحْكُمُ اللَّهُ فِيهِمْ، وَلَكِنْ أَنْزِلُوهُمْ عَلَى حُكْمِكُمْ ثُمَّ اقْضُوا فِيهِمْ بَعْدَ مَا شِئْتُمْ» قَالَ سُفْيَانُ بْنُ عُيَيْنَةَ: قَالَ عَلْقَمَةُ: فَذَكَرْتُ هَذَا الْحَدِيثَ لِمُقَاتِلِ بْنِ حَيَّانَ فَقَالَ: حَدَّثَنِي مُسْلِمٌ.

قَالَ أَبُو دَاوُدَ: هُوَ ابْنُ هَيْصَمٍ عَنِ الثَّعْمَانِ ابْنِ مُقَرَّرٍ عَنِ النَّبِيِّ ﷺ مِثْلَ حَدِيثِ سُلَيْمَانَ ابْنِ بُرَيْدَةَ.

after that as you will.”

Sufyān bin Uyainah said:
“Alqamah said: ‘I mentioned this *Ḥadīth* to Muqātil bin Ḥayyān, so he said: “Muslim narrated it to me.” (*Ṣaḥīh*)

Abū Dāwud said: He is Ibn Haiṣam, from An-Nu‘mān bin Muqrin, from the Prophet ﷺ, similar to the narration of Sulaimān bin Buraidah.^[1]

تخريج: أخرجه مسلم، الجهاد والسير، باب تأمير الإمام الأمراء على البعوث ... إلخ، ح: ١٧٣١ من حديث وكيع به.

Comments:

The rulings and decisions made by the Commanders of the Islamic army (or the jurists and scholars) are always fraught with the possibility of either being right or wrong. As such any notion or claim about the infallibility of a particular judgment or the claim of it being the unquestionable command of Allāh will be absolutely misplaced and wrong.

2613. (Another chain) from Sulaiman bin Buraidah, from his father, that the Prophet ﷺ said: “Fight in the Name of Allāh, in the cause of Allāh. Fight those who disbelieve in Allāh. Fight, but do not steal from the spoils of war, and do not break your promises, and do not mutilate (the dead enemy) and do not kill children.” (*Ṣaḥīh*)

٢٦١٣ - حَدَّثَنَا أَبُو صَالِحٍ الْأَنْطَاكِيُّ مَحْبُوبُ بْنُ مُوسَى: أَخْبَرَنَا أَبُو إِسْحَاقَ الْفَزَارِيُّ عَنْ سُفْيَانَ، عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ، عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «اغْزُوا بِاسْمِ اللَّهِ وَفِي سَبِيلِ اللَّهِ، وَقَاتِلُوا مَنْ كَفَرَ بِاللَّهِ، اغْزُوا، وَلَا تَغْدُرُوا، وَلَا تَغْلُوا، وَلَا تَمْتَلُوا، وَلَا تَقْتُلُوا وَلِيدًا».

تخريج: [صحيح] انظر الحديث السابق، وأخرجه ابن عبد البر في التمهيد: ٢٤/٢٣٢ من حديث أبي داود به.

2614. It was reported from Khālid bin Al-Fizr (who said): “Anas bin Mālīk narrated to me that the Messenger of Allāh ﷺ said:

٢٦١٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ وَعَبِيدُ اللَّهِ بْنُ مُوسَى عَنْ حَسَنِ بْنِ صَالِحٍ، عَنْ خَالِدِ بْنِ الْفَزْرِ:

^[1] That is, Muqātil narrated it from Muslim bin Haiṣam from An-Nu‘mān, etc.

‘Proceed in Allāh’s Name, relying upon Allāh, and upon the religion of the Messenger of Allāh. Do not kill a frail old man, nor an infant, nor a young child, nor a woman. Do not steal from the spoils of war, but gather your spoils, and set right and do well, for Allāh loves those who do well.’ (Da‘if)

حَدَّثَنِي أَنَسُ بْنُ مَالِكٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «انْطَلِقُوا بِاسْمِ اللَّهِ وَبِاللهِ وَعَلَى مِلَّةِ رَسُولِ اللَّهِ، وَلَا تَقْتُلُوا شَيْخًا قَانِيًا وَلَا طِفْلًا وَلَا صَغِيرًا وَلَا امْرَأَةً، وَلَا تَغْلُوا، وَضُمُّوا غَنَائِمَكُمْ وَأَصْلِحُوا وَأَحْسِنُوا إِنَّ اللَّهَ يُحِبُّ الْمُحْسِنِينَ».

تخریج: [إسناده ضعيف] أخرجه ابن أبي شيبة: ٣٨٢/١٢، ٣٨٣ عن يحيى بن آدم به * خالد ابن الفرز: لم يوثقه غير ابن حبان وقال ابن معين: "ليس بذلك".

Comments:

As a rule it is not allowed to kill people who are old and decrepit. Exempt, however, from this rule are those old men that are found involved in devising war plans and programs and those women that are found engaged in spying activities.

Chapter 83. Regarding Burning In Enemy Territories

(المعجم ٨٣) بَابُ: فِي الْحَرْقِ فِي بِلَادِ الْعَدُوِّ (التحفة ٩١)

2615. It was reported from Nāfi‘, from Ibn ‘Umar, who said: “The Messenger of Allāh ﷺ burnt and cut down the date-palm trees of Banū An-Nadīr which were at Al-Buwairah. So Allāh, the Mighty and Majestic, revealed: “What you (O Muslims) cut down of the palm-trees (of the enemy)...”^[1] (Ṣaḥīḥ)

٢٦١٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ حَرَّقَ نَخِيلَ بَنِي النَّضِيرِ وَقَطَعَ وَهِيَ الْبُؤَيْرَةُ، فَأَنْزَلَ اللَّهُ عَزَّوَجَلَّ: ﴿مَا قَطَعْتُمْ مِنْ لَيْسَةٍ﴾ [الحشر: ٥].

تخریج: أخرجه البخاري، التفسير، سورة الحشر، باب قوله: ﴿ما قطعتم من لينة﴾، ح: ٤٨٨٤ ومسلم، الجهاد والسير، باب جواز قطع أشجار الكفار وتحريقها، ح: ١٧٤٦ عن قتيبة به.

2616. It was reported from ‘Urwah, who said: “Usāmah told me that the Messenger of Allāh ﷺ enjoined upon him to attack Ubna in the morning and to burn.” (Da‘if)

٢٦١٦ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ عَنْ ابْنِ مُبَارَكٍ، عَنْ صَالِحِ بْنِ أَبِي الْأَخْضَرِ، عَنْ الزُّهْرِيِّ: قَالَ عُرْوَةُ: فَحَدَّثَنِي أُسَامَةُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ عَهْدَ إِلَيْهِ فَقَالَ: اغْرُ عَلَى

^[1] Al-Hashr: 59:5.

أُبْنَى صَبَاحًا وَحَرَّقَ.

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الجهاد، باب التحريق بأرض العدو، ح: ٢٨٤٣ من حديث صالح بن أبي الأخضر به وهو ضعيف مشهور.

٢٦١٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَمْرٍو
الْقَزَّيْنِيُّ: سَمِعْتُ أَبَا مُسْهَرٍ قِيلَ لَهُ: أُبْنَى،
قال: نَحْنُ أَغْلَمُ: هِيَ يُبْنَا فِلَسْطِينَ.
2617. ‘Abdullāh bin ‘Amr Al-Gazzī
narrated to us: “I heard Abū Mus-
hir being told about Ubnā. He said:
“We know it better: It is Yubnā in
Palestine.” (Ṣaḥīḥ)

تخريج: [إسناده صحيح] أخرجه البيهقي: ٨٤/٩ من حديث أبي داود به.

Chapter 84. Regarding Sending Spies

(المعجم ٨٤) بَابُ: فِي بَعَثِ الْعِيُونِ
(التحفة ٩٢)

2618. It was reported from Anas, who said: “The Prophet ﷺ sent Busaisah to spy on the caravans of Abū Sufyān.” (Ṣaḥīḥ)

٢٦١٨ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ:
حَدَّثَنَا هَاشِمُ بْنُ الْقَاسِمِ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي
ابْنَ الْمُغِيرَةَ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: بَعَثَ
- يَعْنِي النَّبِيُّ ﷺ - بُسَيْسَةَ عَيْنًا يُنْظَرُ مَا
صَنَعَتْ عِيرُ أَبِي سُفْيَانَ.

تخريج: أخرجه مسلم، الإمارة، باب ثبوت الجنة للشهيد، ح: ١٩٠١ من حديث هاشم بن القاسم به.

Chapter 85. Regarding A Wayfarer Eating Dates And Drinking Milk He Passes By

(المعجم ٨٥) بَابُ: فِي ابْنِ السَّبِيلِ
يَأْكُلُ مِنَ الثَّمَرِ وَيَشْرَبُ مِنَ اللَّبَنِ إِذَا
مَرَّ بِهِ (التحفة ٩٣)

2619. It was reported from Al-Ḥasan, from Samurah bin Jundab that the Prophet of Allāh ﷺ said: “If one of you comes by grazing animal, and the owner happens to be there, you should seek his permission, and if he permits then you can milk it and drink it. If he is not there, then you should call him three times, and if he answers then

٢٦١٩ - حَدَّثَنَا عَيَّاشُ بْنُ الْوَلِيدِ الرَّقَّامُ:
حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ،
عَنِ الْحَسَنِ، عَنْ سَمُرَةَ بْنِ جُنْدَبٍ أَنَّ نَبِيَّ
اللَّهِ ﷺ قَالَ: «إِذَا أَتَى أَحَدُكُمْ عَلَى مَاشِيَةٍ
فَإِنْ كَانَ فِيهَا صَاحِبُهَا فَلْيَسْتَأْذِنْهُ، فَإِنْ أَذِنَ لَهُ
فَلْيَحْتَلِبْ وَلْيَشْرَبْ، وَإِنْ لَمْ يَكُنْ فِيهَا

you should take his permission, and if he does not, then you may milk it and drink from it, and you should not carry any of it.” (*Daʿīf*)

فَلْيُصَوِّتْ ثَلَاثًا فَإِنْ أَجَابَهُ فَلْيَسْتَأْذِنْهُ وَإِلَّا فَلْيَحْتَلِبْ وَلْيَشْرَبْ وَلَا يَحْمِلْ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، البيهقي، باب ما جاء في احتلاب المواشي بغير إذن الأرباب، ح: ١٢٩٦ من حديث عبد الأعلى بن عبد الأعلى به وقال: "حسن غريب صحيح" * سعيد بن بشير: ضعيف وسعيد بن أبي عروبة: مدلس وقتادة: عن إن صح السند إليه وللحديث شاهد ضعيف.

2620. It was reported from Abū Bishr, from ‘Abbād bin Shurāḥbīl, who said: “I suffered from hunger during a drought, so I went to one of the farms in Al-Madīnah, I rubbed an ear (of grain) and ate from it, and carried some in my garment. The owner of the farm came and hit me and took my garment. I came to the Messenger of Allāh ﷺ and told him. He said to him (owner): ‘You did not teach him while he was ignorant, nor did you feed him while he was hungry,’ or he said: ‘starving.’ He ordered him to return my garment, and give me a *Wasq* or half a *Wasq* of food.” (*Ṣaḥīḥ*)

٢٦٢٠ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي بَشِيرٍ، عَنْ عَبَّادِ بْنِ شُرْحَبِيلَ قَالَ: أَصَابَنِي سَهَةٌ فَدَخَلْتُ حَائِطًا مِنْ حِيطَانِ الْمَدِينَةِ فَفَرَكْتُ سُبُلًا فَأَكَلْتُ وَحَمَلْتُ فِي ثَوْبِي، فَجَاءَ صَاحِبُهُ فَضَرَبَنِي وَأَخَذَ ثَوْبِي، فَأَتَيْتُ رَسُولَ اللَّهِ ﷺ فَقَالَ لَهُ: «مَا عَلَّمْتَ إِذْ كَانَ جَاهِلًا، وَلَا أَطْعَمْتَ إِذْ كَانَ جَائِعًا»، أَوْ قَالَ: «سَاعِيًا»، وَأَمَرَ فَرَدَّ عَلَيَّ ثَوْبِي وَأَعْطَانِي وَسَقًا أَوْ نِصْفَ وَسَقٍ مِنْ طَعَامٍ.

تخريج: [إسناده صحيح] أخرجه ابن ماجه، التجارات، باب من مر على ماشية قوم أو حائط، هل يصيب منه؟، ح: ٢٢٩٨ من حديث شعبة به ورواه النسائي، ح: ٥٤١١ وصححه الحاكم: ١٣٣/٤ ووافقه الذهبي.

Comments:

A person hard-pressed with hunger or thirst is allowed to eat or drink from a farm or garden without the permission of the owner, but not allowed to carry anything outside with him. This text also indicates the importance of educating people to what is correct, and that it is a duty to do so.

2621. (Another chain) from Abū Bishr, who said: “I heard ‘Abbād bin Shurāḥbīl, a man among us, from Banu Gubar.” And he narrated its meaning (Similar to

٢٦٢١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ، عَنْ أَبِي بَشِيرٍ قَالَ: سَمِعْتُ عَبَّادَ بْنَ شُرْحَبِيلَ رَجُلًا مِّنْ

no. 2620). (Ṣaḥīḥ)

بَنِي غَبَرٍ بِمَعْنَاهُ.

تخريج: [صحيح] أخرجه ابن ماجه، ح: ٢٢٩٨ عن محمد بن بشار به انظر الحديث السابق: ٢٦٢٠.

Chapter (...) Whoever Said That He May Eat From What Has Fallen

(المعجم ...) - بَابُ مَنْ قَالَ: إِنَّهُ يَأْكُلُ
مِمَّا سَقَطَ (التحفة ٩٤)

2622. It was reported from Rāfi' bin 'Amr Al-Ghifārī, who said: "I was a young boy. I used to throw stones at the date-palm trees of the Anṣār. I was brought to the Prophet ﷺ who said: 'O boy! Why do you throw stones at the date palm-trees?' I said: 'So I can eat.' He said: 'Do not throw stones at the date-palm trees, but eat from what has fallen beneath them.' Then he wiped his head and said: 'O Allāh! Fill his belly.'" (Ḍaʿīf)

٢٦٢٢ - حَدَّثَنَا عُثْمَانُ وَأَبُو بَكْرِ ابْنَا أَبِي شَيْبَةَ وَهَذَا لَفْظُ أَبِي بَكْرٍ عَنْ مُعْتَمِرِ بْنِ سُلَيْمَانَ قَالَ: سَمِعْتُ ابْنَ أَبِي حَكَمٍ الْغِفَارِيَّ يَقُولُ: حَدَّثَنِي جَدِّي عَنْ عَمِّ أَبِي، رَافِعِ بْنِ عَمْرٍو الْغِفَارِيَّ قَالَ: كُنْتُ غُلَامًا أُرْمِي نَخْلَ الْأَنْصَارِ فَأَتَانِي بِي النَّبِيُّ ﷺ فَقَالَ: «يَا غُلَامُ! لِمَ تَرْمِي النَّخْلَ؟» قَالَ: أَكُلُّ، قَالَ: «فَلَا تَرْمِ النَّخْلَ وَكُلْ مَا يَسْقُطُ فِي أَسْفَلِهَا، ثُمَّ مَسَحَ رَأْسَهُ فَقَالَ: «اللَّهُمَّ! أَشْبِعْ بَطْنَهُ».

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، التجارات، باب من مر على ماشية قوم أو حائط، هل يصيب منه؟ ح: ٢٢٩٩ من حديث معتمر بن سليمان به وهو في مصنف ابن أبي شيبة: ٨١/٦، ٨٢* ابن أبي حكم الغفاري: مجهول الحال، وله طريق ضعيف عند الترمذي، ح: ١٢٨٨.

Chapter 86. Regarding Whoever Said That He May Not Milk (An Animal Without Permission)

(المعجم ٨٦) بَابُ فِيمَنْ قَالَ: لَا
يَحْلُبُ (التحفة ٩٥)

2623. It was reported from Ibn 'Umar that the Messenger of Allāh ﷺ said: "No one should milk a milch animal without permission. Would one of you like to have their food storage approached, broken into and the food taken away? Likewise, the udders of their animals store food for them, so no one is allowed to milk anyone's cattle without permission." (Ṣaḥīḥ)

٢٦٢٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا يَحْلُبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ بَعِيرٍ إِذْنِهِ، أَيْحِبُّ أَحَدُكُمْ أَنْ تُؤْتَى مَسْرَبَتُهُ فَتُكْسَرَ خِزَانَتُهُ فَيَسْتَلَّ طَعَامُهُ، فَإِنَّمَا تَخْزُنُ لَهُمْ ضُرُوعُ مَوَاشِيهِمْ أَطْعَمَتْهُمْ، فَلَا يَحْلُبَنَّ أَحَدٌ مَاشِيَةَ أَحَدٍ إِلَّا بِإِذْنِهِ».

تخريج: أخرجه البخاري، اللقطة، باب: لا تحتلب ماشية أحد بغير إذنه، ح: ٢٤٣٥ ومسلم، اللقطة، باب تحريم حلب الماشية بغير إذن مالكها، ح: ١٧٢٦ من حديث مالك به، وهو في الموطأ (يحيى): ٩٧١/٢.

Chapter 87. Regarding Obedience

(المعجم ٨٧) بَابُ: فِي الطَّاعَةِ

(التحفة ٩٦)

2624. It was reported from Ibn Juraij, that (the Verse): “O you who believe! Obey Allāh and obey the Messenger, and those of you (Muslims) who are in authority”^[1] was revealed about ‘Abdullāh bin Qais bin ‘Adī, who was sent by the Prophet ﷺ on a military expedition. (He said): “Ya’lā informed me of it, from Sa’eed bin Jubair from Ibn ‘Abbās.” (*Ṣaḥīḥ*)

٢٦٢٤ - حَدَّثَنَا زُهَيْرُ بْنُ حَرْبٍ: حَدَّثَنَا حَجَّاجٌ قَالَ: قَالَ ابْنُ جُرَيْجٍ «يَا أَيُّهَا الَّذِينَ آمَنُوا اطِيعُوا اللَّهَ وَاطِيعُوا الرَّسُولَ وَأُولِيَ الْأَمْرِ مِنْكُمْ» [النساء: ٥٩] [في] عَبْدِ اللَّهِ بْنِ قَيْسٍ بْنِ عَدِيٍّ بَعَثَهُ النَّبِيُّ ﷺ فِي سَرِيَّةٍ. أَخْبَرَنِي يَعْلَى عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ.

تخريج: أخرجه مسلم، الإمامة، باب وجوب طاعة الأمراء في غير معصية وتحريمها في المعصية، ح: ١٨٣٤ عن زهير بن حرب والبخاري، التفسير، سورة النساء، باب: «أطيعوا الله وأطيعوا الرسول وأولي الأمر منكم»، ح: ٥٨٤ من حديث حجاج بن محمد به.

2625. It was reported from ‘Alī, who said: “The Messenger of Allāh ﷺ sent an army and appointed a man as commander over them. He ordered them to listen to him and obey him. The man ignited a fire and ordered them to jump into it. Some of them refused to enter it, and said: ‘We escaped from the fire.’ Some of them wanted to enter it. When the Prophet ﷺ was told about it he said: ‘If they had entered it’ — ‘or entered into it’ — ‘they would never have come out of it.’ And he said: ‘There is no obedience in disobedience to Allāh, obedience is only in *Ma’rūf* (good).’” (*Ṣaḥīḥ*)

٢٦٢٥ - حَدَّثَنَا عَمْرُو بْنُ مَرْزُوقٍ: أَخْبَرَنَا شُعْبَةُ عَنْ زُبَيْدٍ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَمِيِّ، عَنْ عَلِيٍّ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ جَيْشًا وَأَمَرَ عَلَيْهِمْ رَجُلًا وَأَمَرَهُمْ أَنْ يَسْمَعُوا لَهُ وَيَطِيعُوا، فَاجْتَمَعَ نَارًا وَأَمَرَهُمْ أَنْ يَقْتَحِمُوا فِيهَا، فَأَبَى قَوْمٌ أَنْ يَدْخُلُوهَا وَقَالُوا: إِنَّمَا قَرَرْنَا مِنَ النَّارِ، وَأَرَادَ قَوْمٌ أَنْ يَدْخُلُوهَا، فَبَلَغَ ذَلِكَ النَّبِيَّ ﷺ فَقَالَ: «لَوْ دَخَلُوهَا - أَوْ دَخَلُوا فِيهَا - لَمْ يَرَاوُا فِيهَا»، وَقَالَ: «لَا طَاعَةَ فِي مَعْصِيَةِ اللَّهِ، إِنَّمَا الطَّاعَةُ فِي الْمَعْرُوفِ».

^[1] *An-Nisā* 4:59.

تخريج: أخرجه البخاري، أخبار الأحاد، باب ما جاء في إجازة خبر الواحد الصدوق ... إلخ، ح: ٧٢٥٧ ومسلم، الإمامة، باب وجوب طاعة الأمراء في غير معصية ... إلخ، ح: ١٨٤٠ من حديث شعبة به.

2626. It was reported from Nāfi' from 'Abdullāh, from the Messenger of Allāh ﷺ, that he said: "Hearing and obeying is obligatory upon the Muslim man, in what he likes and dislikes, as long as he is not ordered disobedience (to Allāh). And if he is ordered to disobey Allāh then he is not to hear nor obey." (*Ṣaḥīḥ*)

٢٦٢٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ: حَدَّثَنِي نَافِعٌ عَنْ عَبْدِ اللَّهِ عَنْ رَسُولِ اللَّهِ ﷺ أَنَّهُ قَالَ: «السَّمْعُ وَالطَّاعَةُ عَلَى الْمَرْءِ الْمُسْلِمِ فِيمَا أَحَبَّ وَكَرِهَ، مَا لَمْ يُؤْمَرَ بِمَعْصِيَةٍ فَإِذَا أُمِرَ بِمَعْصِيَةٍ فَلَا سَمْعَ وَلَا طَاعَةَ».

تخريج: أخرجه البخاري، الأحكام، باب السمع والطاعة للإمام ما لم تكن معصية، ح: ٧١٤٤ عن مسدد ومسلم، الإمامة، باب وجوب طاعة الأمراء في غير معصية ... إلخ، ح: ١٨٣٩ من حديث يحيى القطان به.

2627. It was reported from Bishr Ibn 'Āṣim, from 'Uqbah bin Mālīk — who was from his tribe — who said: "The Prophet ﷺ sent a military expedition, so I gave a man among them a sword. When he returned, he said: 'If you had seen the way the Messenger of Allāh ﷺ scolded us, saying: "When I sent out a man who could not fulfill my command, were you unable to put in his place somebody who could fulfill my command?"' (*Ḥasan*)

٢٦٢٧ - حَدَّثَنَا يَحْيَى بْنُ مَعِينٍ: حَدَّثَنَا عَبْدُ الصَّمَدِ بْنُ عَبْدِ الْوَارِثِ: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةِ: حَدَّثَنَا حُمَيْدُ بْنُ هِلَالٍ عَنْ بَشِيرِ بْنِ عَاصِمٍ، عَنْ عُقْبَةَ بْنِ مَالِكٍ - مِنْ رَهْطِهِ - قَالَ: بَعَثَ النَّبِيُّ ﷺ سَرِيَّةً فَسَلَحْتُ رَجُلًا مِنْهُمْ سَيْفًا فَلَمَّا رَجَعَ، قَالَ: لَوْ رَأَيْتَ مَا لَامَنَّا رَسُولُ اللَّهِ ﷺ. قَالَ: «أَعَجَزْتُمْ إِذْ بَعَثْتُ رَجُلًا مِنْكُمْ فَلَمْ يَمُضْ لِأَمْرِي أَنْ تَجْعَلُوا مَكَانَهُ مَنْ يَمُضِي لِأَمْرِي؟».

تخريج: [إسناده حسن] أخرجه أحمد: ١١٠/٤ عن عبد الصمد به، وصححه ابن حبان، ح: ١٥٥٣ والحاكم على شرط مسلم: ١١٤/٢، ١١٥ ووافقه الذهبي.

Chapter 88. What Has Been Ordered Regarding Keeping The Army Close Together (When Camping)

(المعجم ٨٨) - بَابُ مَا يُؤْمَرُ مِنَ انْضِمَامِ الْعَسْكَرِ وَسَعْيِهِ (التحفة ٩٧)

2628. It was reported from Abū

٢٦٢٨ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ

Tha'labah Al-Khushanī, who said: "When the people dismounted to camp" — 'Amr (one of the narrators) said: "When the Messenger of Allāh ﷺ dismounted to camp, the people" — "used to break up in mountain paths and valleys. So the Messenger of Allāh ﷺ said: 'Your scattering in these mountain passes and valleys is only from *Shaiṭān*.' So after that, they would not halt to camp, except that they were so close together that it would be said: 'If a piece of cloth was spread over them, it would cover them all.'" (*Ṣaḥīḥ*)

الْحِمَصِيُّ وَزَيْدُ بْنُ قُبَيْسٍ مِنْ أَهْلِ جَبَلَةٍ سَاحِلِ حِمَصٍ وَهَذَا لَفْظُ زَيْدٍ قَالَا: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ عَنْ عَبْدِ اللَّهِ بْنِ الْعَلَاءِ أَنَّهُ سَمِعَ مُسْلِمَ بْنَ مِشْكَمٍ أَبَا عُبَيْدِ اللَّهِ يَقُولُ: حَدَّثَنَا أَبُو ثَعْلَبَةَ الْخُسَيْنِيُّ قَالَ: كَانَ النَّاسُ إِذَا نَزَلُوا مَنَزِلًا، قَالَ عَمْرُو: وَكَانَ النَّاسُ إِذَا نَزَلَ رَسُولُ اللَّهِ ﷺ مَنَزِلًا تَفَرَّقُوا فِي الشَّعَابِ وَالْأَوْدِيَةِ فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ تَفَرُّقَكُمْ فِي هَذِهِ الشَّعَابِ وَالْأَوْدِيَةِ إِنَّمَا ذَلِكُمْ مِنَ الشَّيْطَانِ، فَلَمْ يَنْزِلْ بَعْدَ ذَلِكَ مَنَزِلًا إِلَّا انْضَمَّ بَعْضُهُمْ إِلَى بَعْضٍ حَتَّى يُقَالَ: لَوْ بُسِطَ عَلَيْهِمْ نَوْبٌ لَعَمَّهُمْ».

تخريج: [إسناده صحيح] أخرجه النسائي في الكبرى، ح: ٨٨٥٦ عن عمرو بن عثمان به ورواه أحمد: ١٩٣/٤ وصححه ابن حبان، ح: ١٦٦٤ والحاكم: ١١٥/٢ ووافقه الذهبي.

Comments:

Travelers' and fighters' action of keeping close together (especially during an expedition) has many apparent and hidden (moral and spiritual) advantages but only as long as they do not cause inconvenience to one another, as will be evident from the following *Hadith*.

2629. It was reported from Sahl bin Mu'adh bin Anas Al-Juhani, from his father, who said: "I fought in such and such battle with Allāh's Prophet ﷺ. The camp was over crowded and the people started to block the road. The Prophet ﷺ sent a caller to announce among the people: 'Whoever crowds the camp or blocks the road, then there is no *Jihād* for him.'" (*Hasan*)

٢٦٢٩ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ عَنْ أَبِيهِ عَنِ عَبْدِ الرَّحْمَنِ بْنِ خَنْزَلٍ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ عَنْ النَّبِيِّ ﷺ قَالَ: عَزَّوْتُ مَعَ نَبِيِّ اللَّهِ ﷺ عَزْوَةً كَذَا وَكَذَا فَضَيَّقَ النَّاسُ الْمَنَازِلَ وَقَطَعُوا الطَّرِيقَ، فَبَعَثَ النَّبِيُّ ﷺ مُنَادِيًا يُنَادِي فِي النَّاسِ: «أَنْ مَنْ ضَيَّقَ مَنَزِلًا أَوْ قَطَعَ طَرِيقًا فَلَا جِهَادَ لَهُ».

تخريج: [حسن] أخرجه أحمد: ٤٤٠/٣ من حديث إسماعيل بن عياش به، وصرح بالسماع

عند أبي يعلى في مسنده، ح: ١٤٨٣ والمفاريذ وهو كتاب آخر له وهو في سنن سعيد بن منصور، ح: ٢٤٦٨.

2630. (Another chain) from Sahl bin Mu'adh, from his father: "We went to battle along with Allāh's Prophet ﷺ." and he narrated it in meaning (Similar to no. 2629). (Hasan)

٢٦٣٠ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ: حَدَّثَنَا بَقِيَّةٌ عَنِ الْأَوْزَاعِيِّ، عَنْ أُسَيْدِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ فَرْوَةَ بْنِ مُجَاهِدٍ، عَنْ سَهْلِ بْنِ مُعَاذٍ، عَنْ أَبِيهِ قَالَ: غَزَوْنَا مَعَ نَبِيِّ اللَّهِ ﷺ، بِمَعْنَاهُ.

تخریج: [حسن] انظر الحديث السابق وأخرجه البيهقي: ١٥٢/٩ من حديث أبي داود به.

Comments:

In all matters of life, the rule is that one must obey the commands of Allāh and His Messenger ﷺ, and this includes behaving with one's Muslim brothers, associates and companions in the best manner possible.

Chapter 89. Regarding The Disapproval Of Desiring To Encounter The Enemy

(المعجم ٨٩) بَابُ: فِي كَرَاهِيَةِ تَمَنِّي لِقَاءِ الْعَدُوِّ (التحفة ٩٨)

2631. It was reported from Sālim bin Abī An-Naḍr, the freed slave of 'Umar bin 'Ubaidullāh meaning, Ibn Ma'mar — and he was his scribe — he said: "Abdullāh bin Abī Awfā wrote to him ('Umar bin 'Ubaidullāh) when he went out to Al-Harūriyyah: 'The Messenger of Allāh ﷺ said once when he faced the enemies: 'O people! Do not desire to encounter the enemy, and ask Allāh for 'Āfiyah. And when you encounter them, then be patient, and know that Paradise is under the shade of the swords.' Then he said: 'Allāhumma! Munzilal-Kitābi mujri-as-sahābi wa hāzimal-aḥzābi ihzimhum waṣurnā 'alaihim (O Allāh! Revealer of the Book, mover of the rain clouds, vanquisher of the confederates,

٢٦٣١ - حَدَّثَنَا أَبُو صَالِحٍ مَحْبُوبٌ بْنُ مُوسَى: أَخْبَرَنَا أَبُو إِسْحَاقَ الْفَرَارِيُّ عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ سَالِمِ أَبِي النَّضْرِ مَوْلَى عَمْرِ بْنِ عُيَيْدِ اللَّهِ يَعْنِي ابْنَ مَعْمَرٍ، وَكَانَ كَاتِبًا لَهُ، قَالَ: كَتَبَ إِلَيْهِ عَبْدُ اللَّهِ بْنُ أَبِي أَوْفَى حِينَ خَرَجَ إِلَى الْحَرُورِيَّةِ: إِنَّ رَسُولَ اللَّهِ ﷺ فِي بَعْضِ أَيَّامِهِ الَّتِي لَقِيَ فِيهَا الْعَدُوَّ قَالَ: «يَا أَيُّهَا النَّاسُ! لَا تَتَمَنَّوْا لِقَاءَ الْعَدُوِّ وَسَلُّوْا اللَّهَ الْعَافِيَةَ، فَإِذَا لَقِيتُمُوهُمْ فَاصْبِرُوا وَاعْلَمُوا أَنَّ الْجَنَّةَ تَحْتَ ظِلَالِ السُّيُوفِ». ثُمَّ قَالَ: «اللَّهُمَّ! مُنْزِلَ الْكِتَابِ مُجْرِيَ السَّحَابِ وَهَازِمَ الْأَحْزَابِ اهْزِمْهُمْ وَانصُرْنَا عَلَيْهِمْ».

defeat them, and aid us over them).” (*Sahih*)

تخريج: أخرجه البخاري، الجهاد والسير، باب: لا تمنوا لقاء العدو، ح: ٣٠٢٤ من حديث الفزاري، ومسلم، الجهاد والسير، باب كراهة تمنى لقاء العدو والأمر بالصبر عند اللقاء، ح: ١٧٤٢ من حديث موسى بن عقبة به.

Comments:

The Harūriyah refers to the *Khawārij* or a group of them. They were so named because, while returning from the battle of Şiffin, they parted company with ‘Alī, may Allāh be pleased with him, and assembled at a place known as Ḥarurā’ outside Al-Kūfah, which became their first center.

Chapter 90. What Supplication Is Made When Encountering The Enemy

(المعجم ٩٠) - بَابُ مَا يُدْعَى عِنْدَ اللَّقَاءِ
(التحفة ٩٩)

2632. It was reported from Al-Muthanna bin Sa‘eed, from Qatādah, from Anas bin Mālik, who said: “When the Messenger of Allāh ﷺ went to fight, he would say: ‘*Allāhumma! Anta ‘aḍudī wa naṣīrī, bika aḥlū wa bika aṣlū wa bika uqātil* (O Allāh! You are my aid and my support, by You I defend, by You I attack, and by You I fight).’ (*Da‘if*)

٢٦٣٢ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: أَخْبَرَنِي أَبِي: حَدَّثَنَا الْمُثَنَّى بْنُ سَعِيدٍ عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا غَزَا قَالَ: «اللَّهُمَّ! أَنْتَ عَضْدِي وَنَصِيرِي، بِكَ أَحُولُ وَبِكَ أَصُولُ وَبِكَ أَقَاتِلُ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، الدعوات، باب: في الدعاء إذا غزا، ح: ٣٥٨٤ عن نصر بن علي به وقال: "حسن غريب" وصححه ابن حبان، ح: ١٦٦١ * قتادة: عنن.

Chapter 91. Calling The Idolators (To Accept Islam)

(المعجم ٩١) - بَابُ: فِي دُعَاءِ الْمُشْرِكِينَ
(التحفة ١٠٠)

2633. Ibn ‘Awn said: “I wrote to Nāfi‘ asking him about calling the idolators (to accept Islam) before battle. He replied to me: ‘It was in the early days of Islam, and Allāh’s Prophet ﷺ initiated a surprise attack on Banū Al-Muṣṭalaq, taking them completely by surprise,

٢٦٣٣ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ: أَخْبَرَنَا ابْنُ عَوْنٍ قَالَ: كَتَبْتُ إِلَى نَافِعٍ أَسْأَلُهُ عَنْ دُعَاءِ الْمُشْرِكِينَ عِنْدَ الْقِتَالِ؟، فَكَتَبَ إِلَيَّ: أَنَّ ذَلِكَ كَانَ فِي أَوَّلِ الْإِسْلَامِ، وَقَدْ أَغَارَ نَبِيُّ اللَّهِ ﷺ عَلَى

and they were taking their cattle to the water to drink. He killed the fighters, and took captives. On that day, Juwairiyah bint Al-Hārith was captured. ‘Abdullāh narrated that to me, and he was part of that army.” (Ṣaḥīḥ)

Abū Dāwud said: This is an outstanding Ḥadīth. Ibn ‘Awn narrated it from Nāfi‘, and no one shared with him in (narrating) it.

تخريج: أخرجه البخاري، العتق، باب من ملك من العرب رقيقاً فوهب ... إلخ، ح: ٢٥٤١ ومسلم، الجهاد والسير، باب جواز الإغارة على الكفار الذين بلغتهم دعوة الإسلام ... إلخ، ح: ١٧٣٠ من حديث عبدالله بن عون به وهو في سنن سعيد بن منصور، ح: ٢٤٨٤.

2634. It was reported from Anas, who said: “The Prophet ﷺ used to attack at the time of the *Ṣubḥ* (Fajr) prayer. He used to listen; if he heard the *Adhān*, he would not attack, otherwise he would attack.” (Ṣaḥīḥ)

بَنِي الْمُصْطَلِقِ وَهُمْ غَارُونَ وَأَنْعَامُهُمْ تُسْقَى عَلَى الْمَاءِ، فَكَتَلْ مَقَاتِلَتَهُمْ، وَسَبَى سَبْيَهُمْ، وَأَصَابَ يَوْمَئِذٍ جُوزِيرَةَ بِنْتِ الْحَارِثِ حَدَّثَنِي بِذَلِكَ عَبْدُ اللَّهِ وَكَانَ فِي ذَلِكَ الْجَيْشِ. قَالَ أَبُو دَاوُدَ: هَذَا حَدِيثٌ نَبِيلٌ رَوَاهُ ابْنُ عَوْنٍ عَنْ نَافِعٍ وَلَمْ يَسْرُكْهُ فِيهِ أَحَدٌ.

٢٦٣٤ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا ثَابِتٌ عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ كَانَ يُغَيِّرُ عِنْدَ صَلَاةِ الصُّبْحِ وَكَانَ يَسْمَعُ فَإِذَا سَمِعَ أَذَانَ أَمْسَكَ، وَإِلَّا أَغَارَ.

تخريج: أخرجه مسلم، الصلاة، باب الإمساك عن الإغارة على قوم في دار الكفر إذا سمع فيهم الأذان، ح: ٣٨٢ من حديث حماد بن سلمة به.

Comments:

The sound of the *Adhān* heard in a locality indicated that its inhabitants were Muslims.

2635. It was reported from Ibn ‘Iṣām Al-Muzanī, from his father, who said: “The Messenger of Allāh ﷺ sent us on a military expedition, and said: ‘If you see a *Masjid*, or hear a *Mu’adh-dhin* do not kill anybody.” (Ḍa‘īf)

٢٦٣٥ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا سُفْيَانُ عَنْ عَبْدِ الْمَلِكِ بْنِ زَوْفَلٍ بْنِ مُسَاجِقٍ، عَنْ ابْنِ عَصَامِ الْمُرَزِيِّ، عَنْ أَبِيهِ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ فِي سَرِيَّةٍ فَقَالَ: «إِذَا رَأَيْتُمْ مَسْجِدًا أَوْ سَمِعْتُمْ مُؤَذِّنًا فَلَا تَقْتُلُوا أَحَدًا».

تخريج: [إسناده ضعيف] أخرجه الترمذي، السير، باب النهي عن الإغارة إذا رأى مسجدًا وسمع أذانًا، ح: ١٥٤٩ من حديث سفيان بن عيينة به وقال: "غريب" وهو في سنن سعيد بن منصور، ح: ٢٣٨٥ وابن عَصَام: "لا يعرف حاله".

Chapter 92. Deception During War

(المعجم ٩٢) - بَابُ الْمَكْرِ فِي الْحَرْبِ

(التحفة ١٠١)

2636. It was reported from Jābir that the Messenger of Allāh ﷺ said: "War is deception." (*Sahīh*)

٢٦٣٦ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرِو، أَنَّهُ سَمِعَ جَابِرًا، أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْحَرْبُ خَدْعَةٌ».

تخريج: أخرجه البخاري، الجهاد والسير، باب: الحرب خدعة، ح: ٣٠٣٠ ومسلم، الجهاد والسير، باب جواز الخداع في الحرب، ح: ١٧٣٩ من حديث سفیان بن عیینة به، وهو في سنن سعيد بن منصور، ح: ٢٨٨٩.

2637. It was reported from Ma'mar, from Az-Zuhri, from 'Abdur-Rahmān bin Ka'b bin Mālik, from his father that whenever the Prophet ﷺ wanted to go on a military expedition, he made it appear as if he was headed somewhere else, and he used to say: 'War is deception.' (*Sahīh*)

٢٦٣٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ: حَدَّثَنَا ابْنُ ثَوْرٍ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا أَرَادَ غَزْوَةً وَرَى غَيْرَهَا وَكَانَ يَقُولُ: «الْحَرْبُ خَدْعَةٌ».

Abū Dāwud said: No one came with this (narration) except for Ma'mar, meaning his saying: "War is deception" with this chain of narrators. It was only related from the *Hadīth* of 'Amr bin Dīnār, from Jābir, and from the *Hadīth* of Ma'mar, from Hammām bin Munabbih, from Abū Hurairah.

قَالَ أَبُو دَاوُدَ: لَمْ يَجِئْ بِهِ إِلَّا مَعْمَرٌ يُرِيدُ قَوْلَهُ: «الْحَرْبُ خَدْعَةٌ» بِهَذَا الْإِسْنَادِ إِنَّمَا يُرَوَّى مِنْ حَدِيثِ عَمْرِو بْنِ دِينَارٍ عَنْ جَابِرٍ، وَمِنْ حَدِيثِ مَعْمَرٍ عَنْ هَمَّامٍ بْنِ مُنَبِّهٍ عَنْ أَبِي هُرَيْرَةَ.

تخريج: [صحيح] أخرجه عبدالرزاق في المصنف: ٣٩٨/٥، ح: ٩٧٤٤ عن معمر به مطولاً * والزهري صرح بالسماع وللحديث شواهد كثيرة جداً.

Chapter 93. Attacking The Enemy During The Night

(المعجم ٩٣) - بَابُ: فِي اللَّيْلِ

(التحفة ١٠٢)

2638. It was reported from Iyās bin Salamah, from his father, who said: "The Messenger of Allāh ﷺ appointed Abū Bakr as commander over us to fight a battle against

٢٦٣٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الصَّمَدِ وَأَبُو عَامِرٍ عَنْ عِكْرِمَةَ بْنِ عَمَّارٍ: حَدَّثَنَا إِيَّاسُ بْنُ سَلَمَةَ عَنْ أَبِيهِ قَالَ: أَمَرَ

some people among the idolators. So we attacked at night, killing them, and our code word that night was: 'Amit, amit' (put to death, put to death). Salamah said: "That night, I killed seven idolators in their homes with my own hand."^[1]

رَسُولُ اللَّهِ ﷺ عَلَيْنَا أَبَا بَكْرٍ فَعَزَّوْنَا نَاسًا مِنَ الْمُشْرِكِينَ فَبَيَّنَّاهُمْ نَقْتُلُهُمْ وَكَانَ شِعَارُنَا تِلْكَ اللَّيْلَةَ: أَمِيتْ أَمِيتْ. قَالَ سَلَمَةُ: فَقَتَلْتُ بِيَدِي تِلْكَ اللَّيْلَةَ سَبْعَةَ أَهْلِ آيَاتٍ مِنَ الْمُشْرِكِينَ.

تخريج: [حسن] تقدم، ح: ٢٥٩٦ وأخرجه البيهقي ٧٩/٩ من حديث أبي داود به.

Comments:

If the exigencies of war demand, there is nothing wrong in carrying out a night attack. A night attack is not construed as an act of deception or of cowardice.

Chapter 94. Staying In The Rear Guard

2639. It was reported from Abū Az-Zubair, from Jābir bin ‘Abdullāh, who said: “The Messenger of Allāh ﷺ used to be at the rear while traveling, to urge the weak ones, to let someone ride on his mount behind him, and to supplicate for them.” (*Sahīh*)

تخريج: [صحيح] أخرجه الحاكم: ١١٥/٢ من حديث إسماعيل ابن علي به وصححه على شرط مسلم ووافقه الذهبي وللحديث شواهد.

Chapter 95. What The Idolators Are To Be Fought For

2640. It was reported from Abū Hurairah, who said: “The Messenger of Allāh ﷺ said: ‘I have been ordered to fight the people until they say; “*Lā ilāha illallāh* (None has the right to be worshiped but Allāh).” When they say that, their blood and wealth will be safe from me — except by its right — and thier reckoning is

(المعجم ٩٤) - بَابُ لُزُومِ السَّاقَةِ

(التحفة ١٠٣)

٢٦٣٩ - حَدَّثَنَا الْحَسَنُ بْنُ شَوْكَرٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَلِيٍّ: حَدَّثَنَا الْحَجَّاجُ بْنُ أَبِي عُمَرَ عَنْ أَبِي الزُّبَيْرِ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ حَدَّثَهُمْ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَتَخَلَّفُ فِي الْمَسِيرِ فَيُزِجِي الضَّعِيفَ وَيُزِدُّ وَيَدْعُو لَهُمْ.

(المعجم ٩٥) - بَابُ: عَلَى مَا يُقَاتَلُ

(التحفة ١٠٤)

٢٦٤٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَمِرْتُ أَنْ أَقَاتِلَ النَّاسَ حَتَّى يَقُولُوا: لَا إِلَهَ إِلَّا اللَّهُ، فَإِذَا قَالُوهَا مَنَعُوا مِنِّي دِمَاءَهُمْ وَأَمْوَالَهُمْ إِلَّا بِحَقِّهَا، وَحَسَابُهُمْ عَلَى اللَّهِ عَزَّوَجَلَّ».

^[1] Something similar preceded, see no. 2596.

upon Allāh, the Mighty and Sublime.” (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الإيمان، باب الأمر بقتال الناس حتى يقولوا: لا إله إلا الله محمد رسول الله ... إلخ، ح: ٢١ من حديث الأعمش والترمذي، ح: ٢٦٠٦ من حديث أبي معاوية الضرير به وقال: "حسن صحيح".

2641. It was reported from Anas who said: "The Messenger of Allāh ﷺ said: 'I have been ordered to fight the people until they bear witness to; *Lā ilāha illallāh* (None has the right to be worshiped but Allāh) and *Annā Muḥammadan 'abduhu wa rasūluh* (that Muḥammad is His slave and His Messenger), and that they face our *Qiblah*, to eat from what we slaughter, and perform our *Ṣalāt*. When they do this their blood and wealth become unlawful upon us, except for its right. For them is what is for the rest of the Muslims, and (required) upon them is what is upon the rest of the Muslims have.'" (*Ṣaḥīḥ*)

٢٦٤١ - حَدَّثَنَا سَعِيدُ بْنُ يَعْقُوبَ الطَّلَقَانِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ عَنْ حُمَيْدٍ، عَنْ أَنَسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أُمِرْتُ أَنْ أَقَاتِلَ النَّاسَ حَتَّى يَشْهَدُوا أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ، وَأَنْ يَسْتَقْبِلُوا قِبْلَتَنَا، وَأَنْ يَأْكُلُوا ذَبِيحَتَنَا، وَأَنْ يُصَلُّوا صَلَاتَنَا، فَإِذَا فَعَلُوا ذَلِكَ حُرِّمَتْ عَلَيْنَا دِمَاؤُهُمْ وَأَمْوَالُهُمْ إِلَّا بِحَقِّهَا، لَهُمْ مَا لِلْمُسْلِمِينَ وَعَلَيْهِمْ مَا عَلَى الْمُسْلِمِينَ».

تخريج: أخرجه البخاري، الصلاة، باب فضل استقبال القبلة، ح: ٣٩٢ من حديث ابن المبارك، والترمذي، ح: ٢٦٠٨ عن سعيد بن يعقوب به وقال: "حسن صحيح غريب".

2642. (Another chain) from Anas bin Mālik who said: "The Messenger of Allāh ﷺ said: 'I have been ordered to fight the idolators'" with its meaning (Similar to no. 2641). (*Ṣaḥīḥ*)

٢٦٤٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يَحْيَى ابْنُ أَثُوبٍ عَنْ حُمَيْدِ الطَّوِيلِ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أُمِرْتُ أَنْ أَقَاتِلَ الْمُشْرِكِينَ» بِمَعْنَاهُ.

تخريج: [صحيح] انظر الحديث السابق.

2643. It was reported from Usamah bin Zaid who said: "The Messenger of Allāh ﷺ sent us on

٢٦٤٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ وَعُثْمَانُ ابْنُ أَبِي شَيْبَةَ الْمَعْنَى قَالَا: حَدَّثَنَا يَعْلَى بْنُ

an expedition to Al-Huraqāt. They warned each other of us and fled. We reached a man from them and when we attacked him, he said: '*Lā ilāha illallāh* (None has the right to be worshiped but Allāh)', but we struck him until we killed him. I told this to the Prophet ﷺ. He said: 'Who will save you from *Lā ilāha illallāh* on the Day of Judgment?' I said: 'O Messenger of Allāh! He only uttered it out of fear of the weapon.' He said: 'Did you split open his heart so you know whether he said it for that or not? Who will save you from: *Lā ilāha illallāh*, on the Day of Judgment?' He kept on repeating it until I wished I had not accepted Islam before that day.' (*Sahīh*)

عُبَيْدٌ عَنِ الْأَعْمَشِ، عَنْ أَبِي ظَبْيَانَ: حَدَّثَنَا أَسَامَةُ بْنُ زَيْدٍ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ سَرِيَّةً إِلَى الْحُرَقَاتِ فَتَدَرَّجُوا بِنَا فَهَرَبُوا فَأَذْرَكُنَا رَجُلًا فَلَمَّا غَشِيَنَاهُ قَالَ: لَا إِلَهَ إِلَّا اللَّهُ، فَضَرَبْنَاهُ حَتَّى قَتَلْنَاهُ فَذَكَرْتُهُ لِلنَّبِيِّ ﷺ فَقَالَ: «مَنْ لَكَ بِلَا إِلَهَ إِلَّا اللَّهُ يَوْمَ الْقِيَامَةِ؟» فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّمَا قَالَهَا مَخَافَةَ السَّلَاحِ. قَالَ: «أَفَلَا شَقَقْتَ عَنْ قَلْبِهِ حَتَّى تَعْلَمَ مِنْ أَجْلِ ذَلِكَ قَالَهَا أَمْ لَا؟». مَنْ لَكَ بِلَا إِلَهَ إِلَّا اللَّهُ يَوْمَ الْقِيَامَةِ؟» فَمَا زَالَ يَقُولُهَا حَتَّى وَدِدْتُ أَنِّي لَمْ أُسْلِمَ إِلَّا يَوْمَئِذٍ.

تخريج: أخرجه مسلم، الإيمان، باب تحريم قتل الكافر بعد قوله: لا إله إلا الله، ح: ٩٦ من حديث الأعمش، والبخاري، الديات، باب: "ومن أحيائها... إلخ"، ح: ٦٨٧٢ من حديث أبي ظبيان حصين بن جندب به".

2644. It was reported from 'Ubaidullāh bin 'Adī bin Al-Khiyār, from Al-Miqdād bin Al-Aswad, who informed him that he said: "O Messenger of Allāh! Tell me, if I meet a disbeliever and he fights me and strikes one of my hands with the sword, and then takes refuge by a tree, and says: 'I submit to Allāh.' Can I kill him O Messenger of Allāh after what he said?" The Messenger of Allāh ﷺ said: "Do not kill him." I said: "O Messenger of Allāh! But he cut off my hand!" The Messenger of Allāh ﷺ said: "Do not kill him. If you kill him, he will be in your position before you

٢٦٤٤ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ عَنِ اللَّيْثِ، عَنْ ابْنِ شِهَابٍ، عَنْ عَطَاءِ بْنِ يَزِيدَ اللَّيْثِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَدِيِّ بْنِ الْخِيَارِ، عَنِ الْمِقْدَادِ بْنِ الْأَسْوَدِ أَنَّهُ أَخْبَرَهُ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ إِنْ لَقِيتُ رَجُلًا مِنَ الْكُفَّارِ فَقَاتَلَنِي فَضَرَبَ إِحْدَى يَدَيَّ بِالسَّيْفِ ثُمَّ لَادَ مِنِّي بِشَجَرَةٍ، فَقَالَ: أَسْلَمْتُ لَكَ، أَفَأَقْتُلُهُ يَا رَسُولَ اللَّهِ بَعْدَ أَنْ قَالَهَا؟ قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَقْتُلْهُ»، فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّهُ قَطَعَ يَدِي، قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَقْتُلْهُ، فَإِنْ قَتَلْتَهُ فَإِنَّهُ بِمَنْزِلَتِكَ قَبْلَ أَنْ تَقْتُلَهُ، وَأَنْتَ

killed him, and you will be in his position before the words which he uttered.” (Ṣaḥīḥ)

بِمَنْزِلَتِهِ قَبْلَ أَنْ يَقُولَ كَلِمَتَهُ الَّتِي قَالَ».

تخريج: أخرجه مسلم، الإيمان، باب تحريم قتل الكافر بعد قوله: لا إله إلا الله، ح: ٩٥ عن قتيبة، والبخاري، الديات، وباب قول الله تعالى: ﴿مَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ﴾ ح: ٦٨٦٩ من حديث ابن شهاب الزهري به.

Comments:

These texts inform of the gravity of killing someone who has professed Islam in such circumstances.

Chapter (...) The Prohibition Of Fighting A Person Who Seeks Protection By Prostrating

(المعجم ...) - بَابُ النَّهْيِ عَنْ قَتْلِ مَنْ اعْتَصَمَ بِالسُّجُودِ (التحفة ١٠٥)

2645. It was reported from Ismā'il, from Qais, from Jarīr bin 'Abdullāh, that he said: "The Messenger of Allāh ﷺ sent an expedition to Kath'am, where some people sought protection by prostrating. They were killed quickly." He said: "The Prophet ﷺ was told about the incident, and he ordered that half of the blood money to be paid for them, and he said: 'I am not responsible for any Muslim who lives among idolators.' They said: 'O Messenger of Allāh! Why?' He said: 'They should not see each other's fires.'" (Da'if)

Abū Dāwud said: It was reported by Hushaim, Ma'mar, Khālid Al-Wāsitī and a group of narrators, but they did not mention Jarīr.

٢٦٤٥ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ، عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ قَالَ: بَعَثَ رَسُولُ اللَّهِ ﷺ سَرِيَّةً إِلَى خَنْعَمٍ، فَأَعْتَصَمَ نَاسٌ مِنْهُمْ بِالسُّجُودِ، فَأَسْرَعَ فِيهِمُ الْقَتْلُ. قَالَ: فَبَلَغَ ذَلِكَ النَّبِيَّ ﷺ فَأَمَرَ لَهُمْ بِنِصْفِ الْعَقْلِ وَقَالَ: «أَنَا بَرِيءٌ مِنْ كُلِّ مُسْلِمٍ يُقِيمُ بَيْنَ أَظْهَرِ الْمُشْرِكِينَ». قَالُوا: يَا رَسُولَ اللَّهِ! لِمَ؟ قَالَ: «لَا تَرَايَا تَارَاهُمَا».

قَالَ أَبُو دَاوُدَ: رَوَاهُ هُشَيْمٌ وَمَعْمَرٌ وَخَالِدٌ الْوَاسِطِيُّ وَجَمَاعَةٌ لَمْ يَذْكُرُوا جَرِيرًا.

تخريج: [إسناده ضعيف] أخرجه الترمذي، السير، باب ما جاء في كراهية المقام بين أظهر المشركين، ح: ١٦٠٤ عن هناد به ورواه النسائي، ح: ٤٧٨٤ * إسماعيل بن أبي خالد: مدلس وعنن وللحديث طرق ضعيفة كلها.

Chapter 96. Fleeing On The Day Of The March

(المعجم ٩٦) بَابُ: فِي التَّوَلَّى يَوْمَ
الرَّحْفِ (التحفة ١٠٦)

2646. It was reported from ‘Ikrimah, from Ibn ‘Abbās who said: “When the following Verse was revealed: ‘If there are twenty steadfast persons amongst you, they will overcome two hundred..., it became very difficult on the Muslims since Allāh decreed upon them, that one should not flee from ten. Then a lighter decree was revealed, He said: Now Allāh has lightened your (task). — (The narrator) Abū Tawbah recited it up to; ‘They shall overcome two hundred,^[1] — when Allāh lightened upon them the numbers, patience also decreased according to the number lightened from them.” (*Ṣaḥīḥ*)

٢٦٤٦ - حَدَّثَنَا أَبُو تَوْبَةَ الرَّبِيعُ بْنُ نَافِعٍ:
حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنْ جَرِيرِ بْنِ حَازِمٍ، عَنْ
الزُّبَيْرِ بْنِ خُرَيْبٍ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ
عَبَّاسٍ قَالَ: نَزَلَتْ ﴿إِنْ يَكُنْ مِنْكُمْ عَشْرُونَ
صَابِرُونَ يَغْلِبُوا مِائَتِينَ﴾ فَسَقَّ ذَلِكَ عَلَى
الْمُسْلِمِينَ حِينَ فَرَضَ اللَّهُ عَلَيْهِمْ أَنْ لَا يَفِرَّ
وَاحِدٌ مِنْ عَشْرَةٍ، ثُمَّ إِنَّهُ جَاءَ تَخْفِيفٌ فَقَالَ:
﴿الْفَنِّ خَفَّفَ اللَّهُ عَنْكُمْ﴾ قَرَأَ أَبُو تَوْبَةَ إِلَى
قَوْلِهِ: ﴿يَغْلِبُوا مِائَتِينَ﴾ [الأنفال: ٦٥، ٦٦]
قَالَ: فَلَمَّا خَفَّفَ اللَّهُ عَنْهُمْ مِنَ الْعِدَّةِ نَقَصَ
مِنَ الصَّبْرِ بِقَدْرِ مَا خَفَّفَ عَنْهُمْ.

تخریج: أخرجه البخاري، التفسير، سورة الأنفال، باب ﴿الآن خفف الله عنكم وعلم أن فيكم ضعفا﴾، ح: ٤٦٥٣ من حديث عبدالله بن المبارك به.

Comments:

This indicates that according to these figures it is required to resist with persistence or allowed to retreat.

2647. It was reported from ‘Abdur-Rahmān bin Abī Lailā who narrated that ‘Abdullāh bin ‘Umar narrated to him that he was in an expedition with the Messenger of Allāh ﷺ, and the people turned to flee, and I was among those who fled. After we were safe, we said: “What should we do, for we fled the battlefield and we deserve Allāh’s anger!” We said: “Let us

٢٦٤٧ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا
زُهَيْرٌ: حَدَّثَنَا يَزِيدُ بْنُ أَبِي زِيَادٍ أَنَّ
عَبْدَ الرَّحْمَنِ بْنَ أَبِي لَيْلَى حَدَّثَهُ أَنَّ عَبْدَ اللَّهِ
ابْنَ عُمَرَ حَدَّثَهُ: أَنَّهُ كَانَ فِي سَرِيَّةٍ مِنْ سَرَايَا
رَسُولِ اللَّهِ ﷺ. قَالَ: فَحَاصَ النَّاسُ حَيْصَةً
فَكُنْتُ فِيْمَنْ حَاصٍ، فَلَمَّا بَرَزْنَا قُلْنَا: كَيْفَ
نَصْنَعُ وَقَدْ فَرَرْنَا مِنَ الرَّحْفِ وَبُؤْنَا

[1] *Al-Anfal* 8:65,66.

enter Al-Madīnah and stay there, and then go while no one sees us.” Then we entered and said to ourselves: “If we present ourselves to the Messenger of Allāh ﷺ, and if there is a possibility of repentance for us, we will stay (in Al-Madīnah), and if it is something else we will go away.” We sat down waiting for the Messenger of Allāh ﷺ before the *Fajr* prayer. When he came out, we stood up and said to him: “We are those that fled.” He turned to us, and said. “Rather you are *Al-Akkārūn* (those who are regrouping) and I am your reinforcement.” (*Daʿīf*)

تخريج: [إسناده ضعيف] انظر، ح: ٥٢٢٣ وأخرجه الترمذي، الجهاد، باب ما جاء في الفرار من الزحف، ح: ١٧١٦ من حديث يزيد بن أبي زياد به وقال: "حسن غريب" * يزيد ضعيف كما تقدم مراراً، انظر: ١٤٧٤.

2648. It was reported from Abū Naḍrah, from Abū Saʿeed, who said: “The following was revealed on the Day of Badr: ‘...And whoever turns his back to them on such a day....’”^[1] (*Ṣaḥīh*)

بِالْعَصَبِ!؟، فَقُلْنَا: نَدْخُلُ الْمَدِينَةَ فَنُثَبِّتُ فِيهَا لِنَذْهَبَ وَلَا يَرَانَا أَحَدٌ. قَالَ: فَدَخَلْنَا فَقُلْنَا: لَوْ عَرَضْنَا أَنْفُسَنَا عَلَى رَسُولِ اللَّهِ ﷺ فَإِنْ كَانَتْ لَنَا تَوْبَةٌ أَقْمَنَا، وَإِنْ كَانَ غَيْرَ ذَلِكَ ذَهَبْنَا. قَالَ: فَجَلَسْنَا لِرَسُولِ اللَّهِ ﷺ قَبْلَ صَلَاةِ الْفَجْرِ، فَلَمَّا خَرَجَ قُمْنَا إِلَيْهِ فَقُلْنَا: نَحْنُ الْفَرَارُونَ، فَأَقْبَلَ إِلَيْنَا فَقَالَ: «لَا، بَلْ أَنْتُمْ الْعُكَّارُونَ»، قَالَ: فَدَنَوْنَا فَقَبَّلَنَا يَدُهُ فَقَالَ: «أَنَا فِتْنَةُ الْمُسْلِمِينَ».

٢٦٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ هِشَامٍ الْمِصْرِيُّ: حَدَّثَنَا يَشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا دَاوُدُ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ قَالَ: «نَزَلَتْ فِي يَوْمِ بَدْرٍ: ﴿وَمَنْ يُؤَلِّهْ يَوْمَئِذٍ دُبُرَهُ﴾» [الأنفال: ١٦].

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ أَخْبَرَنَا الْإِمَامُ الْحَافِظُ أَبُو بَكْرِ أَحْمَدُ بْنُ عَلِيٍّ بْنِ ثَابِتٍ الْحَظِيْبُ الْبَغْدَادِيُّ: قَالَ الْإِمَامُ الْقَاضِي أَبُو عَمْرٍو الْقَاسِمُ بْنُ جَعْفَرٍ بْنِ عَبْدِ الْوَاحِدِ الْهَاشِمِيُّ قَالَ: أَخْبَرَنَا أَبُو عَلِيٍّ مُحَمَّدُ بْنُ أَحْمَدَ بْنِ عَمْرٍو اللَّوْلُؤِيُّ قَالَ: حَدَّثَنَا أَبُو دَاوُدَ سُلَيْمَانُ بْنُ الْأَشْعَثِ السَّجِسْتَانِيُّ فِي الْمَحَرَّمِ

^[1] *Al-Anfal* 8:16. What follows here is a chain of narration from Al-Baghdādī for the next section. Through this chain, Al-Lu'lu'i informs that he heard the following from the author in Muḥarram of the year 275 H.

سنة ٢٧٥ خَمْسٍ وَسَبْعِينَ وَمِائَتَيْنِ رَحِمَهُ اللَّهُ
تَعَالَى قَالَ .

تخريج: [إسناده صحيح] أخرجه النسائي في السنن الكبرى، ح: ١١٢٠٤ من حديث بشر بن
المفضل به وصححه الحاكم على شرط مسلم: ٣٢٧/٢ ووافقه الذهبي.

Comments:

The text following the *Hadīth* indicates the beginning of the next volume in the copy of Al-Hāfiẓ Al-Baghdādī, and it cites his chain of narration for the text up to the author.

Chapter 97. Regarding A Captive Being Compelled Into Disbelief

2649. It was reported from Khabbāb who said: “We came to the Messenger of Allāh ﷺ while he was reclining on a *Burdah* (an outer garment) in the shade of Ka’bah. We complained to him saying: ‘Will you not seek help for us, will you not supplicate to Allāh for us?’ He sat up straight, his face turned red, and he said: ‘Among those who were before you, a man would be taken, and a pit would be dug for him in the earth, and then a saw would be brought, and he would be sawed into two halves from his head, yet that would not make him change his religion, and his flesh would be torn from his bones with an iron comb, yet that would not make him change his religion. By Allāh! Allāh will complete this matter, until a rider will (travel) from Ṣan‘ā’ to Ḥaḍramawt, fearing no one but Allāh, and the wolf, regarding his sheep, but you surely are a hasty people.” (*Ṣaḥīh*)

(المعجم ٩٧) بَابُ: فِي الْأَسِيرِ يُكْرَهُ
عَلَى الْكُفْرِ (التحفة ١٠٧)

٢٦٤٩ - حَدَّثَنَا عَمْرُو بْنُ عَوْنٍ قَالَ:
أَخْبَرَنَا هُشَيْمٌ وَخَالِدٌ عَنْ إِسْمَاعِيلَ، عَنْ قَيْسِ
ابْنِ أَبِي حَازِمٍ، عَنْ خَبَّابٍ قَالَ: أَتَيْنَا رَسُولَ
اللَّهِ ﷺ وَهُوَ مُتَوَسِّدٌ بُرْدَةً فِي ظِلِّ الْكَعْبَةِ
فَشَكَّوْنَا إِلَيْهِ فَقُلْنَا: أَلَا تَسْتَنْصِرُ لَنَا، أَلَا تَدْعُو
اللَّهَ لَنَا؟ فَجَلَسَ مُحْمَرًا وَجْهُهُ فَقَالَ: «قَدْ كَانَ
مِنْ قَبْلِكُمْ يُؤْخَذُ الرَّجُلُ فَيُخَفَرُ لَهُ فِي الْأَرْضِ
ثُمَّ يُؤْتَى بِالْمِنْشَارِ فَيُجْعَلُ عَلَى رَأْسِهِ فَيُجْعَلُ
فِرْقَتَيْنِ، مَا يَصْرِفُهُ ذَلِكَ عَنْ دِينِهِ، وَيُمَشَّطُ
بِأَمْشَاطِ الْحَدِيدِ مَا دُونَ عَظْمِهِ مِنْ لَحْمٍ
وَعَصَبٍ مَا يَصْرِفُهُ ذَلِكَ عَنْ دِينِهِ، وَاللَّهِ!
لَيُتِمَّنَّ اللَّهُ هَذَا الْأَمْرَ حَتَّى [يَسِيرَ] الرَّائِبُ مَا
بَيْنَ صَنْعَاءَ وَحَضْرَمَوْتَ مَا يَخَافُ إِلَّا اللَّهَ
وَالذَّبُّ عَلَى غَنَمِهِ وَلِكِنِّكُمْ تَعْجَلُونَ».

تخريج: أخرجه البخاري، الإكراه، باب من اختار الضرب والقتل والهوان على الكفر، ح: ٦٩٤٣ من حديث إسماعيل بن أبي خالد به.

Chapter 98. Regarding The Judgment For The Spy When He Is A Muslim

2650. It was narrated from 'Ubaidullāh bin Abī Rāfi', who was a scribe for 'Alī bin Abī Tālib, who said: "I heard 'Alī saying: 'The Messenger of Allāh ﷺ sent myself, Az-Zubair, and Al-Miqdād, and he said: "Proceed until you come to the garden of Khākh where you will find a woman with a letter, take it from her." We proceeded racing each other on our horses until we came to the garden, where we found the woman. We said: "Give us the letter." She said: "I don't have any letters." I said: "Either you take out the letter, or we will strip you off your clothes (to search for the letter)."' He said: 'She took it out from a braid in her hair. We brought it to the Prophet ﷺ. It was addressed from Hātib bin Abī Balta'ah to some people from the idolators, informing them about some of the affairs of the Messenger of Allāh ﷺ. He asked: "What is this O Hātib?"' He replied: "O Messenger of Allāh! Do not be hasty with me, I am a man who was attached to the Quraish, while I am not one of them. Whereas those of the Quraish (emigrants living in Al-Madīnah), they have a relationship with them through which they get protection for their families in Makkah. As I did not have that

(المعجم ٩٨) **بَابُ: فِي حُكْمِ الْجَاسُوسِ إِذَا كَانَ مُسْلِمًا** (التحفة ١٠٨)

٢٦٥٠ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرِو حَدَّثَهُ الْحَسَنُ بْنُ مُحَمَّدٍ بْنِ عَلِيٍّ أَخْبَرَهُ عُبَيْدُ اللَّهِ بْنُ أَبِي رَافِعٍ وَكَانَ كَاتِبًا لِعَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: سَمِعْتُ عَلِيًّا يَقُولُ: بَعَثَنِي رَسُولُ اللَّهِ ﷺ أَنَا وَالزُّبَيْرُ وَالْمِقْدَادُ فَقَالَ: انْطَلِقُوا حَتَّى تَأْتُوا رَوْضَةَ خَاخٍ فَإِنَّ بِهَا طَعِيئَةً مَعَهَا كِتَابٌ فَخُذُوهُ مِنْهَا، فَانْطَلَقْنَا نَتَعَادَى بِنَا خَيْلَنَا حَتَّى أَتَيْنَا الرَّوْضَةَ فَإِذَا نَحْنُ بِالطَّعِيئَةِ فَقُلْنَا: هَلُمِّي الْكِتَابَ، قَالَتْ: مَا عِنْدِي مِنْ كِتَابٍ، فَقُلْتُ: لَتُخْرِجَنَّ الْكِتَابَ أَوْ لَتُلْقِيَنَّ الثِّيَابَ، قَالَ: فَأَخْرَجَتْهُ مِنْ عِقَاصِهَا فَأَتَيْنَا بِهِ النَّبِيَّ ﷺ، فَإِذَا هُوَ مِنْ حَاطِبِ بْنِ أَبِي بَلْتَعَةَ إِلَى نَاسٍ مِنَ الْمُشْرِكِينَ يُخْبِرُهُمْ بَبَعْضِ أَمْرِ رَسُولِ اللَّهِ ﷺ، فَقَالَ: «مَا هَذَا يَا حَاطِبُ؟» فَقَالَ: يَا رَسُولَ اللَّهِ! لَا تَعْجَلْ عَلَيَّ فَإِنِّي كُنْتُ امْرَأًا مُلْصَقًا فِي قُرَيْشٍ وَلَمْ أَكُنْ مِنْ أَنْفُسِهَا، وَإِنَّ قُرَيْشًا لَهُمْ بِهَا قَرَابَاتٌ يَحْمُونَ بِهَا أَهْلِيهِمْ بِمَكَّةَ، فَأَحْبَبْتُ إِذْ فَاتَنِي ذَلِكَ أَنْ أَتَّخِذَ فِيهِمْ بَدَأً يَحْمُونَ قَرَابَتِي بِهَا وَالله! يَا رَسُولَ اللَّهِ! مَا كَانَ بِي مِنْ كُفْرٍ وَلَا زِنَادٍ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «صَدَقَ كُفْرُكُمْ». فَقَالَ عَمْرٌ: دَعْنِي أَضْرِبَ عُقْنَ

protection, I wanted to give them some support, so they may protect my relatives. By Allāh! O Messenger of Allāh! I am not guilty of disbelief nor of apostasy.” The Messenger of Allāh ﷺ said: “He told you the truth.” ‘Umar said: “Give me permission to strike the neck of this hypocrite.” The Messenger of Allāh ﷺ said: “He attended (the battle of) Badr, and what do you know; perhaps Allāh has looked upon those who were present at Badr and said: ‘Do whatever you wish, for I have forgiven you.’” (*Ṣaḥīḥ*)

هَذَا الْمُتَافِقِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «قَدْ شَهِدَ بَدْرًا وَمَا يُدْرِيكَ لَعَلَّ اللَّهَ أَطَّلَعَ عَلَى أَهْلِ بَدْرٍ، فَقَالَ: اغْمَلُوا مَا شِئْتُمْ فَقَدْ غَفَرْتُ لَكُمْ».

تخریج: أخرجه البخاري، الجهاد والسير، باب الجاسوس: والتجسس: التحيث، ح: ٣٠٠٧ ومسلم، فضائل الصحابة، باب: من فضائل حاطب بن أبي بلتعة وأهل بدر رضي الله عنهم، ح: ٢٤٩٤ من حديث سفيان بن عيينة به.

Comments:

Al-Khattābī said: “From the *Fiqh* of this *Hadīth*, is that the judgment regarding a person who has some kind of interpretation when permitting a forbidding matter, is different than the judgment upon one who intentionally makes it lawful, without some kind of interpretation. And it also indicates that when one is involved in something from the forbidden matters, and he claims it is due to a matter that is implied by some kind of interpretation, then it is to be understood in accordance with what he said, even if the dominant suspicion is contrary to that. Do you not see that when the affair was such that it implied, and was possible, that the reality was as Ḥāṭib said, and it was also possible that the reality was as ‘Umar said, may Allah be pleased with him; Allāh’s Messenger ﷺ employed *Husnāz-zann* (gave him the benefit of doubt) in his case, and he accepted what he claimed in his saying. And in it, is the evidence, that when the spy is a Muslim, he is not to be killed. And they (scholars) differ over what punishment is to be applied to him. So the people of opinion (*Aṣḥab Ar-Ra’i*) said; in the case of a Muslim, when he has written to the enemy and instructed them about the secret affairs of the Muslims, he is to be inflicted with a (physical) punishment and imprisoned for a long period. Al-Awzā’ī said, if he is a Muslim, then the *Imām* is to punish him with a punishment that makes an example of him, and banish him to a remote area while bound, and if he is a *Dhimmī* (a non-Muslim with a covenant) then his covenant is revoked. Mālik said: ‘I have not heard anything about it, and I think it is up to the independent judgment of the *Imām*.’ *Ash-Shāfi’ī* said: ‘When this occurs with a man of high rank, out of ignorance, as happened with Ḥāṭib, out of ignorance; and he was not considered to be lying, then I

like that he be left alone. And if he is not a person of high rank, then it is for the *Imām* to apply *Ta'zīr* (punishment) on him.' Also among the *Fiqh* of the *Hadīth*, is the allowance of looking at what is exposed of women in establishing a punishment, or establishing testimony affirming a right, and what resembles that of matters. And in it, is evidence that whoever alleges *Kufr* or *Nifāq* about a Muslim via some interpretation, and he is among the people of *Ijīhād*, then punishment is not warranted for him. Do you not see that 'Umar, may Allāh be pleased with him, said: 'Give me permission to strike the neck of this hypocrite' while he was a believer, for whom Allāh's Messenger ﷺ attested to what he claimed about that, then, he was not harsh with 'Umar for what he had said. And that was because, 'Umar was not acting out of hostility in this saying, which was based on the apparent judgment of the religion; since the hypocrite is the one who manifests aid to the religion in the open, and internally aids the disbelievers, and in this incident, what Ḥaṭīb did, resembled what the hypocrites do. Except that Allāh's Messenger ﷺ informed that Allāh, Most High, had pardoned him for what he did in that incident, and so he (also) pardoned him, so the application of hypocrisy ceased being applicable in his case. And Allāh knows best."

2651. It was reported from Abū 'Abdur-Raḥmān As-Sulamī, from 'Alī with this story. He said: "Ḥaṭīb left and wrote to the people of Makkah. 'Muḥammad (ﷺ) is going to proceed towards you.'" And he said in it: "She said: 'I do not have a letter.' We made her camel kneel down to search her, but we did not find any letter with her.'" 'Alī said: "By Him in whose Name the oath is taken! I will kill you, or you take out the letter." And he narrated the rest of the *Hadīth* (Similar to no. 2650). (*Ṣaḥīḥ*)

٢٦٥١ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةٍ عَنْ خَالِدٍ، عَنْ خُصَيْنٍ، عَنْ سَعْدِ بْنِ عُبَيْدَةَ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَمِيِّ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، عَنْ عَائِشَةَ، قَالَتْ: قَالَ: انْطَلَقَ حَاطِبٌ: فَكَتَبَ إِلَى أَهْلِ مَكَّةَ أَنَّ مُحَمَّدًا قَدْ سَارَ إِلَيْكُمْ وَقَالَ فِيهِ: قَالَتْ: مَا مَعِيَ كِتَابٌ فَأَنْتَخَاها فَمَا وَجَدْنَا مَعَهَا كِتَابًا، فَقَالَ عَلِيٌّ: وَالَّذِي يُحْلَفُ بِهِ لَا قَتْلُكَ أَوْ لَتُخْرِجَنَّ الْكِتَابَ وَسَاقَ الْحَدِيثَ.

تخريج: أخرجه مسلم، فضائل الصحابة، باب: من فضائل حاطب بن أبي بلتعة وأهل بدر رضي الله عنهم، ح: ٢٤٩٤ من حديث خالد، والبخاري، الجهاد والسير، باب: إذا اضطر الرجل إلى النظر في شعور أهل الذمة... إلخ، ح: ٣٠٨١ من حديث حصين به.

Chapter 99. Regarding A Spy That Is A *Dhimmi*

(المعجم ٩٩) بَابُ فِي الْجَاسُوسِ
الدِّمِّيِّ (التحفة ١٠٩)

2652. It was reported from Furāt bin Hayyān that the Messenger of

٢٦٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ قَالَ:

Allāh ﷺ ordered that he (i.e., a spy who is not a Muslim but is *Dhīmī*, having a covenant with Muslims) be killed. He was a spy for Abū Sufyān and an ally of a man from the *Anṣār*. He passed by a circle of the *Anṣār* and said: "I am a Muslim." A man from the *Anṣār* said: "O Messenger of Allāh! He claims that he is a Muslim." The Messenger of Allāh ﷺ said: "Among you are people in whose faith we trust, among them are Furāt bin Ḥayyān." (*Daʿīf*)

حَدَّثَنِي مُحَمَّدُ بْنُ مُحَبِّبٍ أَبُو هَمَّامٍ الدَّلَالُ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ سَعِيدٍ عَنْ أَبِي إِسْحَاقَ، عَنْ حَارِثَةَ بْنِ مُضَرَّبٍ، عَنْ فُرَاتِ ابْنِ حَيَّانَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَ بِقَتْلِهِ وَكَانَ عَيْنًا لِأَبِي سُفْيَانَ وَكَانَ حَلِيفًا لِرَجُلٍ مِنَ الْأَنْصَارِ فَمَرَّ بِحَلْفَةِ مِنَ الْأَنْصَارِ فَقَالَ: إِنِّي مُسْلِمٌ، فَقَالَ رَجُلٌ مِنَ الْأَنْصَارِ: يَا رَسُولَ اللَّهِ! إِنَّهُ يَقُولُ إِنِّي مُسْلِمٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ مِنْكُمْ رَجُلًا نَكَلَهُمْ إِلَى إِيْمَانِهِمْ مِنْهُمْ فُرَاتُ بْنُ حَيَّانَ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٣٣٦/٤ من حديث سفیان الثوري به وصححه ابن الجارود، ح: ١٠٥٨ والحاكم على شرط الشيخين: ٣٦٦/٤ ووافقه الذهبي * أبو إسحاق السبيعي مدلس وعنعن.

Comments:

Furāt bin Ḥayyān had been a spy prior to accepting Islam. He also emigrated to Al-Madīnah and continued to take part in *Jihād* with the Prophet ﷺ until his (Prophet's) death. He later settled down at Al-Kūfah.

Chapter 100. Regarding A Spy Who Is Under Protection (In A Muslim Territory)

(المعجم ١٠٠) بَابُ: فِي الْجَاسُوسِ
الْمُسْتَأْمِنِ (التحفة ١١٠)

2653. It was reported from Salamah bin Al-Akwa', who said: "A spy from the idolaters came to the Prophet ﷺ while he was in a journey. He sat near his Companions and then slipped away. The Prophet ﷺ said: 'Find him and kill him.'" He said: "I raced ahead of them and killed him. I took his belongings back, which the Prophet ﷺ gave me." (*Ṣaḥīḥ*)

٢٦٥٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا أَبُو نُعَيْمٍ قَالَ: حَدَّثَنَا أَبُو عُمَيْسٍ عَنْ ابْنِ سَلَمَةَ بْنِ الْأَكْوَعِ، عَنْ أَبِيهِ قَالَ: أَتَى النَّبِيَّ ﷺ عَيْنٌ مِنَ الْمُشْرِكِينَ وَهُوَ فِي سَفَرٍ فَجَلَسَ عِنْدَ أَصْحَابِهِ ثُمَّ أَسْلَ فَقَالَ النَّبِيُّ ﷺ: «اطْلُبُوهُ فَاقْتُلُوهُ»، قَالَ: فَسَبَقْتُهُمْ إِلَيْهِ فَقَتَلْتُهُ وَأَخَذْتُ سَلْبَهُ فَتَقَلَّنِي إِيَّاهُ.

تخريج: أخرجه البخاري، الجهاد والسير، باب الحربي إذا دخل دار الإسلام بغير أمان،

ح: ٣٠٥١ عن أبي نعيم الفضل بن دكين به .

2654. It was reported from Iyās bin Salamah (who said): “My father narrated to me, he said: “I fought in the battle against Hawāzin with the Messenger of Allāh ﷺ, and while we were having a meal in the morning — as most of us were on foot and some of us were weak — a man came on a red camel. He took out a leather strap from the loin of the camel, and tied his camel with it, then came to eat with the people. When he saw their weakness, and lack of mounts, he went hastily to his camel, untied it, made it kneel down, and sat on it, he then left, galloping quickly. A man from Aslam followed him on a brown she-camel which was among the best mounts they had. I went out galloping till I caught up with him. The head of the she-camel was at the hip of the camel, and I was at the hip of the she-camel, then I proceeded further, until I was at the hip of the camel, then I proceeded further, until I was able to take the reign of the camel and make it kneel down. As soon as it put its knee down on the earth, I drew my sword and hit the man on his head and he fell down. I then came back, leading the camel with the equipment on top. The Messenger of Allāh ﷺ met me with the people. He said: ‘Who killed the man?’ They said: ‘Salamah bin Al-Akwa.’ Then he said: ‘He gets all his spoils.’” Hārūn (one of the narrators) said:

٢٦٥٤ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ أَنَّ هَاشِمَ بْنَ الْقَاسِمِ وَهَيْشَامًا حَدَّثَاهُمَا قَالَا: حَدَّثَنَا عِكْرَمَةُ قَالَ: حَدَّثَنِي إِيسَى بْنُ سَلَمَةَ قَالَ: حَدَّثَنِي أَبِي قَالَ: غَزَوْتُ مَعَ رَسُولِ اللَّهِ ﷺ هَوَازِينَ، قَالَ فَبَيْنَمَا نَحْنُ نَتَصَحَّى وَغَامَتُنَا مُشَاةٌ وَفِينَا ضَعْفَةٌ إِذْ جَاءَ رَجُلٌ عَلَى جَمَلٍ أَحْمَرَ فَانْتَرَعَ طَلْقًا مِنْ جِفْوِ الْبَعِيرِ فَقَيَّدَ بِهِ جَمَلَهُ ثُمَّ جَاءَ يَتَعَدَّى مَعَ الْقَوْمِ، فَلَمَّا رَأَى ضَعْفَتَهُمْ وَرَفَقَهُ ظَهَرَهُمْ خَرَجَ يَغْدُو إِلَى جَمَلِهِ فَاطْلَقَهُ ثُمَّ أَنَاخَهُ فَقَعَدَ عَلَيْهِ ثُمَّ خَرَجَ يَرْكُضُهُ وَاتَّبَعَهُ رَجُلٌ مِنْ أَشْلَمَ عَلَى نَاقَةٍ وَرَقَاءَ هِيَ أَمْتَلُ ظَهْرِ الْقَوْمِ قَالَ: فَخَرَجْتُ أَغْدُو فَأَدْرَكْتُهُ وَرَأْسُ النَّاقَةِ عِنْدَ وَرِكَ الْجَمَلِ وَكُنْتُ عِنْدَ وَرِكَ النَّاقَةِ ثُمَّ تَقَدَّمْتُ حَتَّى كُنْتُ عِنْدَ وَرِكَ الْجَمَلِ ثُمَّ تَقَدَّمْتُ حَتَّى أَخَذْتُ بِخِطَامِ الْجَمَلِ فَأَنَخْتُهُ فَلَمَّا وَضَعَ رُكْبَتَهُ بِالْأَرْضِ اخْتَرَطْتُ سَيْفِي فَأَضْرَبْتُ رَأْسَهُ فَتَدَرَّ فَجِئْتُ بِرَاحِلَتِهِ وَمَا عَلَيْهَا أَقْوَدَهَا فَاسْتَقْبَلَنِي رَسُولُ اللَّهِ ﷺ فِي النَّاسِ مُثْبِلًا، فَقَالَ: «مَنْ قَتَلَ الرَّجُلَ؟» فَقَالُوا: سَلَمَةُ بْنُ الْأَكْوَعِ، فَقَالَ: «لَهُ سَلْبُهُ أَجْمَعُ» قَالَ هَارُونُ: هَذَا لَفْظُ هَاشِمٍ.

“This is Hāshim’s version.” (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجهاد والسير، باب استحقاق القاتل سلب القاتل، ح: ١٧٥٤ من حديث عكرمة بن عمار به.

Comments:

“Spoils” here is *Salab*, see no. 2717 and those that follow it.

Chapter 101. Regarding What Time Is Recommended For The Encounter

2655. It was reported from An-Nu‘mān, meaning Ibn Muqarrin, who said: “I observed the Messenger of Allāh ﷺ. If he did not fight at the beginning of the day; he would delay the fighting until the sun passes the zenith, the wind blows and the aid descends.” (*Ṣaḥīḥ*)

(المعجم ١٠١) **بَابُ: فِي أَيِّ وَقْتٍ يُسْتَحَبُّ اللَّقَاءُ (التحفة ١١١)**

٢٦٥٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا حَمَادٌ قَالَ: أَخْبَرَنَا أَبُو عِمْرَانَ الْجَوْنِيُّ عَنْ عَلْقَمَةَ بْنِ عَبْدِ اللَّهِ الْمُرِّيِّ، عَنْ مَعْقِلِ بْنِ يَسَارٍ أَنَّ الثُّغَمَانَ يَعْنِي ابْنَ مُقَرِّنٍ قَالَ: شَهِدْتُ رَسُولَ اللَّهِ ﷺ إِذَا لَمْ يَفْقِئْ مِنْ أَوَّلِ النَّهَارِ آخَرَ الْقِتَالِ حَتَّى تَزُولَ الشَّمْسُ وَتَهْبِ الرِّيَّاحُ وَيَنْزِلَ النَّصْرُ.

تخريج: [إسناده صحيح] أخرجه الترمذي، السير، باب ما جاء في الساعة التي يستحب فيها القتال، ح: ١٦١٣ من حديث حماد بن سلمة به وقال: "حسن صحيح" وصححه ابن حبان (الإحسان) ٤٧٣٧: والعاكم على شرط مسلم: ١١٦/٢ ووافقه الذهبي.

Comments:

The time of the decline of the sun from its zenith is the time of the descent of help from Allāh. This is why performing *Ṣalāt Az-Zuḥr* in its early time is preferred.

Chapter 102. Regarding The Order To Keep Silent At The Time Of The Encounter

2656. It was reported from Al-Ḥasan, from Qais bin ‘Ubād who said: “The Companions of the Prophet ﷺ used to dislike raised voices when fighting.” (*Ḍa‘īf*)

(المعجم ١٠٢) **بَابُ: فِي مَا يُؤْمَرُ بِهِ مِنَ الصَّمْتِ عِنْدَ اللَّقَاءِ (التحفة ١١٢)**

٢٦٥٦ - حَدَّثَنَا مُسْلِمٌ بْنُ أَبِرَاهِيمَ قَالَ: حَدَّثَنَا هِشَامٌ؛ ح: وَحَدَّثَنَا عُيَيْدُ اللَّهِ بْنُ عُمَرَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا هِشَامٌ: حَدَّثَنَا قَتَادَةُ عَنْ الْحَسَنِ، عَنْ قَيْسِ بْنِ عُبَادٍ قَالَ: كَانَ أَصْحَابُ النَّبِيِّ ﷺ يَكْرَهُونَ الصَّوْتَ عِنْدَ الْقِتَالِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٥٣/٩ من حديث أبي داود به * قتادة والحسن البصري عننا.

2657. It was reported from Abū Burdah, from his father, from the Prophet ﷺ; similar that. (Da'if)

٢٦٥٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ هَمَّامٍ قَالَ: حَدَّثَنِي مَطَرٌ عَنْ قَتَادَةَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ بِمِثْلِ ذَلِكَ.

تخريج: [إسناده ضعيف] * قتادة عننا.

Chapter 103. Regarding A Man Walking During The Encounter

(المعجم ١٠٣) بَابُ: فِي الرَّجُلِ يَتَرَجَّلُ
عِنْدَ اللَّقَاءِ (التحفة ١١٣)

2658. Al-Barā' said: "When the Prophet ﷺ encountered the idolators on the Day of Hunain, and they (Muslims) retreated, he dismounted his mule, and walked on foot." (Ṣaḥīḥ)

٢٦٥٨ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا وَكَيْعٌ عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ قَالَ: لَمَّا لَقِيَ النَّبِيُّ ﷺ الْمُشْرِكِينَ يَوْمَ حُنَيْنٍ فَانْكَسَفُوا، نَزَلَ عَنْ بَعْلَتِهِ فَتَرَجَّلَ.

تخريج: [صحيح] أخرجه البخاري، الجهاد والسير، باب من قال: خذها وأنا ابن فلان، ح: ٣٠٤٢ ومسلم، ح: ١٧٧٦ من حديث أبي إسحاق به مطولاً.

Chapter 104. Regarding Pride During Battle

(المعجم ١٠٤) بَابُ: فِي الْخِيَلِ فِي
الْحَرْبِ (التحفة ١١٤)

2659. It was reported from Jābir bin 'Atīq that Allāh's Prophet ﷺ said: "From *Al-Ghairah* is what Allāh loves, and from it what Allāh hates. As for that which Allāh, the Mighty and Sublime, loves, it is *Ghairah* in matters of doubt; and as for that which Allāh hates, it is *Ghairah* in matters in which there is no doubt. And indeed from pride there is some which Allāh hates, and some which Allāh loves. As for the pride which Allāh loves, it is the pride of man during the time of battle, and his pride at the time of

٢٦٥٩ - حَدَّثَنَا مُسْلِمُ بْنُ أَبِرَاهِيمَ وَمُوسَى ابْنُ إِسْمَاعِيلَ الْمَعْنَى وَاحِدٌ قَالَا: حَدَّثَنَا أَبَانُ قَالَ: حَدَّثَنَا يَحْيَى عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ ابْنِ جَابِرِ بْنِ عَتِيكٍ، عَنْ جَابِرِ بْنِ عَتِيكٍ أَنَّ نَبِيَّ اللَّهِ ﷺ كَانَ يَقُولُ: «مِنَ الْغَيْرَةِ مَا يُحِبُّ اللَّهُ وَمِنْهَا مَا يُبْغِضُ اللَّهُ، فَأَمَّا الَّتِي يُحِبُّهَا اللَّهُ عَزَّ وَجَلَّ فَالْغَيْرَةُ فِي الرَّبِّيَّةِ، وَأَمَّا الَّتِي يُبْغِضُهَا اللَّهُ فَالْغَيْرَةُ فِي غَيْرِ رَبِّيَّةٍ. وَإِنَّ مِنَ الْخِيَلِ مَا يُبْغِضُ اللَّهُ وَمِنْهَا مَا يُحِبُّ اللَّهُ، فَأَمَّا الْخِيَلُ الَّتِي يُحِبُّ اللَّهُ فَالْخِيَلُ

giving charity; and as for the one which Allāh, the Mighty and Sublime hates, it is the pride shown through oppression.” (One of the narrators) Mūsā said: “and by boasting.” (*Hasan*)

الرَّجُلِ نَفْسُهُ عِنْدَ الْقِتَالِ وَاخْتِيَالُهُ عِنْدَ الصَّدَقَةِ، وَأَمَّا الَّتِي يُبْغِضُ اللَّهُ عَزَّ وَجَلَّ فَأَخْتِيَالُهُ فِي الْبَغْيِ قَالَ مُوسَى: «وَالْفَخْرُ».

تخريج: [حسن] أخرجه النسائي، الزكاة، باب الاختيال في الصدقة، ح: ٢٥٥٩ من حديث يحيى بن أبي كثير به وصرح بالسماع، وصححه ابن حبان (موارد: ٣١٣، ١٦٦٦) والحافظ في الإصابة: ٢١٥/١ وله شواهد عند ابن ماجه: ١٩٩٦ وابن خزيمة، ح: ٢٤٧٨ وغيرهما.

Comments:

Al-Ghairah is a sense of honor and jealousy regarding one's women-folk. *Al-Ghairah* in matters of doubt would be like when a man sees a person of no close blood relation with his wife or daughter, etc. An example of when there is no doubt would be when someone wants to marry his sister or widowed (or divorced) mother in a legal way, then he should not be over protective of her if the one who proposed has good conduct and is religious.

Chapter 105. Regarding A Man Being Taken Captive

(المعجم ١٠٥) بَابُ: فِي الرَّجُلِ
يُسْتَأْسَرُ (التحفة ١١٥)

2660. It was reported from Abū Hurairah, who said: “The Prophet ﷺ sent out ten spies and appointed ‘Āsim bin Thābit as their commander. About one hundred archers from the tribe of Hudhail came out to attack them. When ‘Āsim became aware of them, they took refuge on a hillock. They said: ‘Come down and surrender yourselves and we give our promise and covenant not to kill anyone of you.’ ‘Āsim said: ‘As for me, I will not descend into the protection of a disbeliever.’ Then they shot at them with their arrows and killed a group of seven, including ‘Āsim. Three of them came down accepting their promise and covenant. They were *Khubaib*, *Zaid bin Ad-Dathinah*, and

٢٦٦٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ قَالَ: أَخْبَرَنَا ابْنُ شِهَابٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ جَارِيَةَ الثَّقَفِيُّ حَلِيفُ بَنِي زُهْرَةَ، [عَنْ أَبِي هُرَيْرَةَ] عَنِ النَّبِيِّ ﷺ قَالَ: بَعَثَ النَّبِيُّ ﷺ عَشْرَةَ عَيْنًا، وَأَمَرَ عَلَيْهِمْ عَاصِمَ بْنَ ثَابِتٍ، فَتَقَرَّوْا لَهُمْ هَذِيلَ بِقَرِيبٍ مِنْ مِائَةِ رَجُلٍ رَامَ، فَلَمَّا أَحَسَّ بِهِمْ عَاصِمٌ لَجَأُوا إِلَى قَرْدَدٍ فَقَالُوا لَهُمْ: انْزِلُوا فَأَعْطُوا بِأَيْدِيكُمْ وَلَكُمْ الْعَهْدُ وَالْمِيثَاقُ أَنْ لَا نَقْتُلَ مِنْكُمْ أَحَدًا، فَقَالَ عَاصِمٌ: أَمَّا أَنَا فَلَا أَنْزِلُ فِي ذِمَّةِ كَافِرٍ فَرَمَوْهُمْ بِالْئِيلِ فَقَتَلُوا عَاصِمًا فِي سَبْعَةِ نَفَرٍ، وَنَزَلَ إِلَيْهِمْ ثَلَاثَةُ نَفَرٍ عَلَى الْعَهْدِ وَالْمِيثَاقِ مِنْهُمْ خُبَيْبٌ وَزَيْدُ بْنُ الدَّثَنِةِ وَرَجُلٌ آخَرٌ، فَلَمَّا

another man. As soon as they got hold of them, they took off the strings on their bows, using them to tie them up. The third man said: 'This is their first act of treachery, by Allāh! I am not going to accompany you people. In them (my companions who died) I take my example.' They dragged him, but he refused to go with them, so they killed him. Khubaib stayed as their captive, until they finally agreed to kill him. He asked for a razor to shave his pubes. When they took him outside to kill him, he said to them: 'Let me pray two *Rak'ah*.' Then he said: 'By Allāh! If it was not that you people might think that I was afraid I would have increased (the length of prayer).'" (*Sahih*)

اسْتَمَكُّنَا مِنْهُمْ أَطْلَقُوا أَوْتَارَ قِسِيِّهِمْ فَرَبَطُوهُمْ بِهَا. قَالَ الرَّجُلُ الثَّالِثُ: هَذَا أَوَّلُ الْغَدْرِ وَاللَّهِ! لَا أَصْحَبُكُمْ إِنَّ لِي بِهَؤُلَاءِ لَأَسْوَأَ فَجَرٍّ وَهِيَ فَأَبَى أَنْ يَصْحَبَهُمْ فَقَتَلُوهُ، فَلَبِثَ خُبَيْبٌ أَسِيرًا حَتَّى أَجْمَعُوا قَتْلَهُ فَاسْتَعَارَ مُوسَى يَسْتَجِدُّ بِهَا، فَلَمَّا خَرَجُوا بِهِ لِيَقْتُلُوهُ قَالَ لَهُمْ خُبَيْبٌ: دَعُونِي أَرْكَعَ رَكَعَتَيْنِ، ثُمَّ قَالَ: وَاللَّهِ! لَوْلَا أَنْ تَحْسِبُوا مَا بِي جَزَعًا لَزِدْتُ.

تخریج: أخرجه البخاري، الجهاد والسير، باب: هل يستأسر الرجل؟ ومن لم يستأسر... إلخ، ح: ٣٠٤٥ من حديث ابن شهاب الزهري به.

2661. Az-Zuhrī said: “‘Amr bin Abī Sufyān bin Asīd bin Jāriyah Ath-Thaqafī, who was an ally of Banū Zuhrah, and was among the companions of Abū Hurairah, informed me...” then he mentioned the *Ḥadīth* (Similar to no. 2660). (*Sahih*)

٢٦٦١ - حَدَّثَنَا ابْنُ عُوفٍ: حَدَّثَنَا أَبُو الْيَمَانِ: أَخْبَرَنَا شُعَيْبٌ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ أَبِي سُفْيَانَ بْنِ أَسِيدِ بْنِ جَارِيَةَ الثَّقَفِيِّ وَهُوَ حَلِيفٌ لِبَنِي زُهْرَةَ، وَكَانَ مِنْ أَصْحَابِ أَبِي هُرَيْرَةَ فَذَكَرَ الْحَدِيثَ.

تخریج: أخرجه البخاري، ح: ٣٠٤٥ عن أبي اليمان به انظر الحديث السابق.

Comments:

Khubaib, may Allāh be pleased with him, had killed Hārith bin ‘Āmir during the Battle of Badr. The children of Hārith then decided to quench their thirst for revenge, and so they killed Khubaib. It is one thing to kill an adversary on the battlefield and quite another to kill someone in revenge during peace time, which amounts to pure treachery.

Chapter 106. Regarding Lying In Ambush

(المعجم ١٠٦) بَابُ: فِي الْكُمَاءِ

(التحفة ١١٦)

2662. Al-Barā' said: "The Messenger of Allāh ﷺ made 'Abdullāh bin Jubair commander over the archers on the day of the battle of Uhud, and they were fifty men. He said: 'Even if you see birds snatching us, do not leave your positions until I send for you, and if you see that we have defeated them and made them flee, do not leave your positions until I send for you.'" He (Al-Barā') said: "Allāh then routed them. By Allāh, I saw the women hastening to climb the mountain. The companions of 'Abdullāh bin Jubair said: 'The spoils, O people! The spoils! Your companions have been victorious, so what are you waiting for?' 'Abdullāh bin Jubair said: 'Have you forgotten what the Messenger of Allāh ﷺ ordered you?' But they said: 'By Allāh, we are going down to the people to take the spoils.' So they came down, and their faces were turned away (from the enemies) and they were defeated." (*Ṣaḥīḥ*)

٢٦٦٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ التَّمِيلِيُّ: حَدَّثَنَا زُهَيْرٌ قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ قَالَ: سَمِعْتُ الْبَرَاءَ يُحَدِّثُ قَالَ: جَعَلَ رَسُولُ اللَّهِ ﷺ عَلَى الرُّمَاءِ يَوْمَ أُحُدٍ وَكَانُوا خَمْسِينَ رَجُلًا، عَبْدُ اللَّهِ بْنُ جُبَيْرٍ وَقَالَ: «إِنْ رَأَيْتُمُونَا تَخْطِفُنَا الطَّيْرُ فَلَا تَبْرَحُوا مِنْ مَكَانِكُمْ هَذَا حَتَّى أُرْسِلَ إِلَيْكُمْ وَإِنْ رَأَيْتُمُونَا هَرَمْنَا الْقَوْمَ وَأَوْطَأْنَاهُمْ فَلَا تَبْرَحُوا حَتَّى أُرْسِلَ إِلَيْكُمْ» قَالَ: فَهَرَمَهُمُ اللَّهُ. قَالَ: فَأَنَا وَاللَّهِ! رَأَيْتُ النِّسَاءَ يُسَيِّدْنَ عَلَى الْجَبَلِ، فَقَالَ أَصْحَابُ عَبْدِ اللَّهِ بْنِ جُبَيْرٍ الْغَنِيمَةَ أَيُّ قَوْمٍ الْغَنِيمَةَ!! ظَهَرَ أَصْحَابُكُمْ فَمَا تَنْظُرُونَ؟ فَقَالَ عَبْدُ اللَّهِ بْنُ جُبَيْرٍ أَنْتَيْتُمْ مَا قَالَ لَكُمْ رَسُولُ اللَّهِ ﷺ؟ قَالُوا: وَاللَّهِ! لَنَأْتِيَنَّ النَّاسَ فَلَنُصَيِّرَنَّ مِنَ الْغَنِيمَةِ فَأَتَوْهُمْ فَصَرِفَتْ وُجُوهُهُمْ وَأَقْبَلُوا مُنْهَرِمِينَ.

تخريج: أخرجه البخاري، الجهاد والسير، باب ما يكره من التنازع والاختلاف في الحرب ... إلخ، ح: ٣٠٣٩ من حديث زهير بن معاوية به.

Comments:

To lay in ambush for purposes of attack or defense in a battle is a legitimate and lawful activity, and it is considered an important tactic in war.

Chapter 107. Regarding Rows

(المعجم ١٠٧) بَابُ: فِي الصُّفُوفِ

(التحفة ١١٧)

2663. It was reported from

٢٦٦٣ - حَدَّثَنَا أَحْمَدُ بْنُ سِنَانٍ: حَدَّثَنَا

Ḥamzah bin Abī Usaid, from his father who said: “The Messenger of Allāh ﷺ said to us, when we made our rows for the battle of Badr: ‘When they come near you, then shoot them with arrows, but do not use up all of your arrows.’” (Ṣaḥīḥ)

تخريج: أخرجه البخاري، المغازي، باب بعد باب فضل من شهد بدرًا، ح: ٣٩٨٤، ٣٩٨٥ من حديث أبي أحمد الزبيري به.

Chapter 108. Regarding Drawing Swords During The Encounter

2664. It was reported from Mālik bin Ḥamzah bin Abī Usaid As-Sā'idī, from his father, from his grandfather: “The Prophet ﷺ said, on the Day of Badr: ‘When they come near you, then shoot them with arrows, and do not draw your swords until they are upon you.’” (Ḍa'īf)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٥٥/٩ من حديث أبي داود به * إسحاق مجهول (تقريب) ومالك: مستور.

Chapter 109. Regarding Duals

2665. ‘Alī said: “‘Utbah bin Rabī'ah came forward, followed by his son and his brother, and called out: ‘Who will engage in a dual?’ Some of the youths of the Anṣār (Helpers) replied to him. But he said: ‘Who are you?’ They replied to him. Then he said: ‘We do not want you, but we only want our cousins.’ The Prophet ﷺ said: ‘Get up O Ḥamzah! Get up O ‘Alī! Get up O ‘Ubaidah bin Al-Ḥārith!’

أَبُو أَحْمَدَ الزُّبَيْرِيُّ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ ابْنُ سُلَيْمَانَ بْنِ الْعَسِيلِ عَنْ حَمَزَةَ بْنِ أَبِي أُسَيْدٍ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ حِينَ اضْطَفَفْنَا يَوْمَ بَدْرٍ: «إِذَا أَكْتَبُوكُمْ» - يَعْنِي إِذَا عَشَوْكُمْ - «فَارْزُمُوهُمْ بِالْثَّلِ وَاسْتَبَقُوا نَبْلَكُمْ».

(المعجم ١٠٨) بَابُ: فِي سَلِّ السُّيُوفِ
عِنْدَ اللَّقَاءِ (التحفة ١١٨)

٢٦٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيْسَى قَالَ: حَدَّثَنَا إِسْحَاقُ بْنُ نَجِيجٍ وَلَيْسَ بِالْمَلْطِيِّ عَنْ مَالِكِ بْنِ حَمَزَةَ بْنِ أَبِي أُسَيْدٍ السَّاعِدِيِّ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ النَّبِيُّ ﷺ يَوْمَ بَدْرٍ: «إِذَا أَكْتَبُوكُمْ فَارْزُمُوهُمْ بِالْثَّلِ، وَلَا تَسْلُوا السُّيُوفَ حَتَّى يَغْشَوْكُمْ».

(المعجم ١٠٩) بَابُ: فِي الْمُبَارَزَةِ
(التحفة ١١٩)

٢٦٦٥ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ: حَدَّثَنَا إِسْرَائِيلُ عَنْ أَبِي إِسْحَاقَ، عَنْ حَارِثَةَ بْنِ مُضَرَّبٍ، عَنْ عَلِيٍّ قَالَ: تَقَدَّمَ - يَعْنِي عُثْبَةَ بْنَ رَبِيعَةَ - وَبِعَهُ ابْنُهُ وَأَخُوهُ فَنَادَى: مَنْ يُبَارِزُ؟ فَاتَّخَذَ لَهُ شَبَابٌ مِنَ الْأَنْصَارِ، فَقَالَ: مَنْ أَنْتُمْ؟ فَأَخْبَرُوهُ، فَقَالَ: لَا حَاجَةَ لَنَا فِيكُمْ، إِنَّمَا أَرَدْنَا بَنِي عَمَّنَا، فَقَالَ النَّبِيُّ ﷺ: «مُمْ

Hamzah went forward to 'Utbah, and I went forward to Shaibah, and 'Ubaidah and Al-Walīd exchanged two blows, injuring one another severely. Then we turned towards Al-Walīd and killed him, and we carried 'Ubaidah away." (*Da'if*)

يَا حَمَزَةُ! قُمْ يَا عَلِيُّ! قُمْ يَا عُبَيْدَةَ بْنَ الْحَارِثِ! فَأَقْبَلَ حَمَزَةُ إِلَى عُتْبَةَ وَأَقْبَلْتُ إِلَى شَيْبَةَ وَاخْتَلَفَ بَيْنَ عُبَيْدَةَ وَالْوَلِيدِ صَرْبَتَانِ، فَأَتَحَنَ كُلُّ وَاحِدٍ مِنْهُمَا صَاحِبَهُ، ثُمَّ مَلْنَا عَلَى الْوَلِيدِ فَقَتَلْنَاهُ وَاخْتَمَلْنَا عُبَيْدَةَ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ١١٧/١ من حديث إسرائيل به وسنده ضعيف وصححه الحاكم على شرط الشيخين: ١٩٤/٣ فتعقبه الذهبي، وللحديث شواهد في السيرة لابن هشام: ٢٧٧/٢ والدلائل للبيهقي: ١٣١/٩ * أبو إسحاق عن عن وللحديث شواهد ضعيفة.

Comments:

It is lawful to cry out or challenge adversaries for a dual during battle. This instills fear in the mind of the enemy.

Chapter 110. Regarding The Prohibition Of Mutilation

(المعجم ١١٠) بَابُ: فِي النَّهْيِ عَنِ الْمُثَلَّةِ (التحفة ١٢٠)

2666. It was reported from 'Alqamah, from 'Abdullāh, who said: "The Messenger of Allāh ﷺ said: 'Those with most mercy at the time of killing are the people of Faith.'" (*Da'if*)

٢٦٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْسَى وَزِيَادُ بْنُ أَيُّوبَ قَالَا: حَدَّثَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا مُغِيرَةُ عَنْ شِبَاكٍ، عَنْ إِبْرَاهِيمَ، عَنْ هُنَيِّ بْنِ نُوَيْرَةَ، عَنْ عَلْقَمَةَ، عَنْ عَبْدِ اللَّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَعَفُّ النَّاسِ قِتْلَةً أَهْلُ الْإِيمَانِ».

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الدييات، باب أعف الناس قتلة، أهل الإيمان، ح: ٢٦٨١ من حديث هشيم به وصححه ابن حبان، ح: ١٥٢٣ * مغيرة وإبراهيم النخعي: مدلسان وعننا وهني بن نويرة: مستور لم يوثقه غير ابن حبان ودلسه إبراهيم في رواية أحمد: ١/٣٩٣.

2667. Al-Hayyāj bin 'Imrān reported that a slave of 'Imrān ran away. He vowed, by Allāh, that if he catches him, he will cut off his hand. Then he sent me to ask about that. I came to Samurah bin Jundab and asked him. He said: "The Messenger of Allāh ﷺ used to urge us to give charity and prohibit us from mutilation." So I came to 'Imrān bin Ḥuṣāin and

٢٦٦٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُعَاذُ بْنُ هِشَامٍ قَالَ: حَدَّثَنِي أَبِي عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ الْهَيَّاجِ بْنِ عِمْرَانَ أَنَّ عِمْرَانَ أَبَى لَهُ غُلَامٌ فَجَعَلَ اللَّهُ عَلَيْهِ لَتْنٌ قَدَرَهُ عَلَيْهِ لَيَقْطَعَنَّ يَدَهُ، فَأَرْسَلَنِي لِأَسْأَلَ لَهُ فَأَتَيْتُ سَمُرَةَ بْنَ جُنْدَبٍ فَسَأَلْتُهُ، فَقَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَحُثُّنَا عَلَى الصَّدَقَةِ وَيَنْهَانَا عَنِ

asked him. He said: "The Messenger of Allāh ﷺ used to urge us to give charity and prohibit us from mutilation." (*Da'īf*)

الْمُثَلَّةِ، فَأَتَيْتُ عِمْرَانَ بْنَ حُصَيْنٍ فَسَأَلْتُهُ فَقَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُحَثُّنَا عَلَى الصَّدَقَةِ وَيَنْهَانَا عَنِ الْمُثَلَّةِ.

تخریج: [إسناده ضعيف] أخرجه أحمد: ٤/٢٨٨ من حديث قتادة به * قتادة عن عمن وحديث أحمد: ٥/٢٠٠ يغني عنه.

Comments:

Mutilating the body of the enemy after death, or mutilating the face while he lives, are both prohibited in Islam. Exceptions are in cases of *Qisās* (legal punishment of requital).

Chapter 11. Regarding Killing Women

(المعجم ١١١) بَابُ: فِي قَتْلِ النِّسَاءِ
(التحفة ١٢١)

2668. It was reported from Nāfi', from 'Abdullāh who said: "A woman was found slain in one of the battles of the Messenger of Allāh ﷺ. So the Messenger of Allāh ﷺ censured the killing of women and children." (*Sahīh*)

٢٦٦٨ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ بْنِ مَوْهَبٍ وَثَّقَنِي يَغْنِي ابْنَ سَعِيدٍ قَالَا: حَدَّثَنَا اللَّيْثُ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ: أَنَّ امْرَأَةً وَجِدَتْ فِي بَعْضِ مَعَازِي رَسُولِ اللَّهِ ﷺ مَقْتُولَةً فَأَنْكَرَ رَسُولُ اللَّهِ ﷺ قَتْلَ النِّسَاءِ وَالصِّبْيَانِ.

تخریج: أخرجه مسلم، الجهاد والسير، باب تحريم قتل النساء والصبيان في الحرب، ح: ١٧٤٤ عن قتيبة والبخاري، الجهاد والسير، باب قتل الصبيان في الحرب، ح: ٣٠١٤ من حديث الليث بن سعد به.

2669. It was reported from Rabāh bin Rabī', who said: "We were with the Messenger of Allāh ﷺ in a battle. He saw some people gathered around something, so he sent a man, and said: 'Go and see what they have gathered for.' He came back and said: 'It was a woman who has been killed.' So he said: 'She would not have been fighting.' Khālīd bin Al-Walīd was in the advanced guard, so he sent a man saying: 'Tell Khālīd: "Do not kill a woman or a hired hand." (*Sahīh*)

٢٦٦٩ - حَدَّثَنَا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ قَالَ: حَدَّثَنَا [عُمَرُ] بْنُ الْمُرْقَعِ بْنِ صَيْفِيٍّ بْنِ رَبَاحٍ قَالَ: حَدَّثَنِي أَبِي عَنْ جَدِّهِ رَبَاحِ بْنِ رَبِيعٍ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي غَزْوَةٍ فَرَأَى النَّاسَ مُجْتَمِعِينَ عَلَى شَيْءٍ، فَبَعَثَ رَجُلًا فَقَالَ: انْظُرْ عَلَى مَا اجْتَمَعَ هَؤُلَاءِ، فَجَاءَ فَقَالَ: عَلَى امْرَأَةٍ قَتِيلَةٍ، فَقَالَ: «مَا كَانَتْ هَذِهِ لِقَاتِلٍ»، قَالَ: وَعَلَى الْمُقَدَّمَةِ خَالِدُ بْنُ الْوَلِيدِ فَبَعَثَ رَجُلًا فَقَالَ: «قُلْ لِيَخَالِدٍ: لَا تَقْتُلَنَّ امْرَأَةً وَلَا عَسِيفًا».

تخريج: [إسناده صحيح] أخرجه النسائي في الكبرى، ح: ٨٦٢٥ عن أبي الوليد الطيالسي به، ورواه ابن ماجه، ح: ٢٨٤٢ وللحديث طرق عند ابن حبان، ح: ١٦٥٦ وغيره.

Comments:

If a woman plays no part in fighting, then it is prohibited to kill her. The same rule holds good in the case of servants and elderly people.

2670. It was reported from Al-Hasan, from Samurah bin Jundab who said: "The Messenger of Allāh ﷺ said: 'Kill the old polytheist men, but spare their children.'" (Da'if)

٢٦٧٠ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ قَالَ: حَدَّثَنَا هُشَيْمٌ قَالَ: حَدَّثَنَا حَجَّاجٌ قَالَ: حَدَّثَنَا قَتَادَةُ عَنْ الْحَسَنِ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اقْتُلُوا شُيُوخَ الْمُشْرِكِينَ وَاسْتَبَقُوا شَرَحَهُمْ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، السير، باب ما جاء في النزول على الحكم، ح: ١٥٨٣ من حديث قتادة به وقال: "حسن صحيح غريب" ورواه أحمد: ٢٠/٥ عن هشيم به * قتادة: مدلس وعنعن.

2671. 'Āishah said: No woman from Banū Quraizah was killed except one. She was talking with me laughing so hard, rolling on her back and belly, while the Messenger of Allāh ﷺ was killing the men of her tribe at the market. Suddenly a man called her name: 'Where is so-and-so?' She said: 'Here I am.' I said: 'What did you do?' She said: 'Something unprecedented.' She was taken away and killed. I cannot forget her — surprised by her behavior — she was talking with me, and laughing so much; rolling around on her back and belly, while she knew she will be killed."^[1] (Hasan)

٢٦٧١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النُّفَيْلِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ جَعْفَرٍ بْنِ الزُّبَيْرِ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: لَمْ تُقْتَلْ مِنْ نِسَائِهِمْ - تَعْنِي بَنِي قُرَيْظَةَ - إِلَّا امْرَأَةً، إِنَّهَا لَعِنْدِي تَحَدَّثُ: تَضْحَكُ ظَهْرًا وَبَطْنًا وَرَسُولُ اللَّهِ ﷺ يَقْتُلُ رِجَالَهُمْ بِالسُّوقِ إِذْ هَتَفَ هَاتِفٌ بِاسْمِهَا: أَيْنَ فُلَانَةُ؟ قَالَتْ: أَنَا، قُلْتُ: وَمَا شَأْنُكَ؟ قَالَتْ: حَدَّثْتُ أَخَدْتُهَا، قَالَتْ: فَأَنْطَلِقُ بِهَا فَضَرَبْتُ عُقْقَهَا، قَالَتْ: فَمَا أَنْسَى - عَجَبًا مِنْهَا - إِنَّهَا تَضْحَكُ ظَهْرًا وَبَطْنًا وَقَدْ عَلِمَتْ أَنَّهَا تُقْتَلُ.

تخريج: [إسناده حسن] أخرجه أحمد: ٢٧٧/٦ من حديث محمد بن إسحاق به وهو في السيرة لابن هشام (بتحقيق): ٢٤٢/٢.

[1] This appears again, see no. 5268.

Comments:

It is said that the woman had verbally abused and insulted the Messenger of Allāh ﷺ.

2672. It was reported from Az-Zuhrī, from ‘Ubaidullāh, meaning Ibn ‘Abdullāh, from Ibn ‘Abbās, from Aṣ-Ṣa‘b bin Jaththāmah, that he asked the Messenger of Allāh ﷺ about the settlements of the idolaters when they are under attack at night, and their children and women are killed. The Prophet ﷺ said: “They are from them.” And ‘Amr, meaning Ibn Dīnār used to say: “They are from their parents.” Az-Zuhrī said: “After that the Messenger of Allāh ﷺ prohibited killing of women and children.” (*Ṣaḥīḥ*)

٢٦٧٢ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بْنِ السَّرْحِ قَالَ: حَدَّثَنَا سُفْيَانُ بْنُ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ يُعْنِي ابْنَ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ، عَنْ الصَّعْبِ بْنِ جَثَامَةَ: أَنَّهُ سَأَلَ رَسُولَ اللَّهِ ﷺ عَنِ الدَّارِ مِنَ الْمُشْرِكِينَ يُبْتَغُونَ فِيصَابُ مِنْ ذُرَارِيهِمْ وَنِسَائِهِمْ، فَقَالَ النَّبِيُّ ﷺ: «هُمْ مِنْهُمْ»، وَكَانَ عَمْرٍو يُعْنِي ابْنَ دِينَارٍ يَقُولُ: «هُمْ مِنْ آبَائِهِمْ». قَالَ الزُّهْرِيُّ: ثُمَّ نَهَى رَسُولُ اللَّهِ ﷺ بَعْدَ ذَلِكَ عَنِ قَتْلِ النِّسَاءِ وَالْوِلْدَانِ.

تخریج: أخرجه البخاري، الجهاد والسير، باب أهل الدار يبتغون فيصاب الولدان والذراري، ح: ٣٠١٢ ومسلم، الجهاد، باب جواز قتل النساء والصبيان في البيات من غير تعدد، ح: ١٧٤٥ من حديث سفیان بن عیینة به.

Comments:

Deliberate killing of women and children is prohibited. However, it may happen unintentionally during a night attack when it is difficult to tell the one from the other.

Chapter 112. Regarding The Abhorrence Of Burning The Enemy With Fire

2673. It was reported from Muḥammad bin Hamzah Al-Aslamī from his father, that the Messenger of Allāh ﷺ appointed him as a commander over a military expedition. He said: “So I went along with them, and he (the Prophet) said: ‘If you find so-and-so, then burn him with fire.’ Then I turned to depart. He called me to

(المعجم ١١٢) بَابُ: فِي كَرَاهِيَةِ حَرْقِ الْعَدُوِّ بِالنَّارِ (التحفة ١٢٢)

٢٦٧٣ - حَدَّثَنَا سَعِيدُ بْنُ مُنْصَوِّرٍ قَالَ: حَدَّثَنَا مُغِيرَةُ بْنُ عَبْدِ الرَّحْمَنِ الْجَزَامِيُّ عَنْ أَبِي الزَّنَادِ قَالَ: حَدَّثَنِي مُحَمَّدُ بْنُ حَمْرَةَ الْأَسْلَمِيُّ عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ ﷺ أَمَرَهُ عَلَى سَرِيَّةٍ، قَالَ: فَخَرَجْتُ فِيهَا وَقَالَ: «إِنْ وَجَدْتُمْ فَلَانًا فَأَحْرِقُوهُ بِالنَّارِ» فَوَلَّيْتُ فَتَادَانِي فَرَجَعْتُ إِلَيْهِ فَقَالَ: «إِنْ وَجَدْتُمْ فَلَانًا فَاقْتُلُوهُ»

come back, so I came back to him. He said: 'If you find so-and-so, then kill him, and do not burn him, for nobody punishes with fire except the Lord of the Fire.'" (*Hasan*)

وَلَا تُحْرِقُوهُ فَإِنَّهُ لَا يُعَذَّبُ بِالنَّارِ إِلَّا رَبُّ النَّارِ.

تخريج: [إسناده حسن] أخرجه أحمد: ٤٩٤/٣ عن سعيد بن منصور به وهو في السنن له، ح: ٢٦٤٣ باختلاف يسير، وصححه الحافظ في فتح الباري: ١٤٩/٦.

2674. It was reported from Abū Hurairah that he said: "The Messenger of Allāh ﷺ sent us on an expedition, and said: 'If you find so-and-so...' Then he mentioned it in meaning (as no. 2673). (*Sahih*)

٢٦٧٤ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ وَقُتَيْبَةُ أَنَّ اللَّيْثَ بْنَ سَعْدٍ حَدَّثَهُمْ عَنْ بُكَيْرٍ، عَنْ سُلَيْمَانَ بْنِ يَسَارٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ فِي بَعْثٍ فَقَالَ: «إِنْ وَجَدْتُمْ فُلَانًا وَفُلَانًا» فَذَكَرَ مَعْنَاهُ.

تخريج: أخرجه البخاري، الجهاد والسير، باب: لا يعذب بعذاب الله، ح: ٣٠١٦ عن قتيبة به.

Comments:

Burning a convict or war prisoner alive is prohibited although there is no harm in burning the forts and buildings if warranted by the exigencies of war.

2675. It was reported from 'Abdur-Rahmān bin 'Abdullāh, from his father who said: "We were with the Messenger of Allāh ﷺ in a journey. He went to relieve himself. We saw a *Humrah* with two chicks of hers, and we took one of her chicks. The *Humrah* came and started shaking her spread out wings. The Prophet ﷺ came and said: 'Who distressed her because of her chicks, give her chick back to her.' And he also saw an ant colony which we had burnt, so he said: 'Who burnt this down?' We said: 'We did.' He said: 'It is not allowed to punish with fire, except for the Lord of the Fire.'" [1] (*Hasan*)

٢٦٧٥ - حَدَّثَنَا أَبُو صَالِحٍ مَحْبُوبٌ بْنُ مُوسَى قَالَ: أَخْبَرَنَا أَبُو إِسْحَاقَ الْفَزَارِيُّ عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ، عَنْ ابْنِ سَعْدٍ، قَالَ غَيْرُ أَبِي صَالِحٍ: عَنْ الْحَسَنِ بْنِ سَعْدٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي سَفَرٍ فَأَنْطَلَقَ لِحَاجَتِهِ فَرَأَيْنَا حُمْرَةً مَعَهَا فَرْحَانٌ فَأَخَذْنَا فَرْحَيْهَا، فَجَاءَتِ الْحُمْرَةُ فَجَعَلَتْ تَفْرُسُ فَجَاءَ النَّبِيُّ ﷺ فَقَالَ: «مَنْ فَجَّعَ هَذِهِ بَوْلِدَهَا، رُدُّوا وَلَدَهَا إِلَيْهَا»، وَرَأَى قَرْيَةً تَمْلِي قَدْ حَرَّقْنَاهَا فَقَالَ: «مَنْ حَرَّقَ هَذِهِ؟» قُلْنَا: نَحْنُ، قَالَ: «إِنَّهُ لَا يَبْغِي أَنْ يُعَذَّبَ بِالنَّارِ إِلَّا رَبُّ النَّارِ».

[1] This appears again, see no. 5268.

تخريج: [إسناده حسن] أخرجه الحاكم: ٢٣٩/٤ من حديث أبي إسحاق الشيباني به، وصححه ووافقه الذهبي وللحديث طريق آخر عند البخاري في الأدب المفرد، ح: ٣٨٢.

Comments:

It is prohibited to use fire to kill even in case of harmful animals.

Chapter 113. Regarding A Man Who Rents His Riding Animal For Half Or A Share (Of The Spoils)

2676. It was reported from Wāthilah bin Al-Asqa' who said: "The Messenger of Allāh ﷺ announced the expedition to Tabūk. I went to my family, and then came back. The first of the Companions of the Messenger of Allāh ﷺ were already on the way. I started to announce loudly in Al-Madīnah: 'Is there any one who can transport a man, and he will get a share (from the spoils).' An old man from the *Anṣār* replied loudly: 'We will have his share of the spoils if we transport him by turns, and he will share the food with us?' I said: 'Yes.' He replied: 'Then proceed on the journey, with the blessings of Allāh, the Exalted.' So I went with good companionship until Allāh granted us (spoils), and I was given young female camels as my share of the spoils. I drove them till I reached him. He came out, and sat on one of the saddles of his camel, and said: 'Drive them backwards.' Again he said: 'Drive them forward.' Then he said: 'I find your young female camels very gentle.' I said: This is your spoils which I

(المعجم ١١٣) بَابُ: فِي الرَّجُلِ يُكْرِي دَابَّتَهُ عَلَى النِّصْفِ أَوْ السَّهْمِ (التحفة ١٢٣)

٢٦٧٦ - حَدَّثَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ الدَّمَشْقِيُّ أَبُو النَّضْرِ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ شُعَيْبٍ قَالَ: أَخْبَرَنِي أَبُو زُرْعَةَ يَحْيَى بْنُ أَبِي عَمْرٍو السَّيِّدَانِيُّ عَنْ عَمْرٍو بْنِ عَمْرٍو بْنِ عَبْدِ اللَّهِ، أَنَّهُ حَدَّثَهُ عَنْ وَائِلَةَ بْنِ الْأَسَقَعِ قَالَ: نَادَى رَسُولُ اللَّهِ ﷺ فِي غَزْوَةِ تَبُوكَ فَخَرَجْتُ إِلَى أَهْلِي فَأَقْبَلْتُ وَقَدْ خَرَجَ أَوَّلُ صَحَابَةِ رَسُولِ اللَّهِ ﷺ فَطَفِقْتُ فِي الْمَدِينَةِ أَنْادِي: أَلَا مَنْ يَحْمِلُ رَجُلًا لَهُ سَهْمُهُ، فَنَادَى شَيْخٌ مِنَ الْأَنْصَارِ قَالَ: لَنَا سَهْمُهُ عَلَى أَنْ نَحْمِلَهُ عَقَبَةً وَطَعَامُهُ مَعَنَا؟ قُلْتُ: نَعَمْ، قَالَ: فَسِرْ عَلَى بَرَكََةِ اللَّهِ تَعَالَى، قَالَ: فَخَرَجْتُ مَعَ خَيْرِ صَاحِبٍ حَتَّى أَقَاءَ اللَّهُ عَلَيْنَا فَأَصَابَنِي فَلَانِصُ، فَسَفَّهْنَنَ حَتَّى أَتَيْنَهُ فَخَرَجَ فَتَعَدَّ عَلَى حَقِيبَةٍ مِنْ حَقَائِبِ إِبِلِهِ، ثُمَّ قَالَ: سَفَّهْنَنَ مُدْبِرَاتٍ، ثُمَّ قَالَ: سَفَّهْنَنَ مُقْبِلَاتٍ، فَقَالَ: مَا أَرَى فَلَانِصَكَ إِلَّا كِرَامًا، قَالَ: إِنَّمَا هِيَ غَنِيمَتُكَ الَّتِي شَرَطْتُ لَكَ، قَالَ: خُذْ فَلَانِصَكَ يَا ابْنَ أَحْجِي فَغَيِّرْ سَهْمَكَ أَرَدْنَا.

have shared out you.’ He said: ‘Take back your young female camels O my nephew. It was not your share that we wanted!’”

(*Hasan*)

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٨/٩ من حديث أبي داود، والطبراني في الكبير: ٨٠/٢٢، ٨١ من حديث محمد بن شعيب به * عمرو بن عبدالله الحضرمي وثقه العجلي وابن حبان فحديثه لا ينزل عن درجة الحسن أبدًا.

Comments:

The *Hadīth* sheds light on a singular trait of the Companions’ character, that they valued the good of the Hereafter more than the good of this world.

Chapter 114. Regarding Shackling Captives

2677. It was reported from Abū Hurairah who said: “I heard the Messenger of Allāh ﷺ saying: ‘Our Lord, the Exalted, is amazed with a people who are lead into Paradise in chains.’” (*Ṣaḥīḥ*)

(المعجم ١١٤) بَابُ: فِي الْأَسِيرِ يُوثَقُ
(التحفة ١٢٤)

٢٦٧٧ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَادُ بْنُ يَعْنِي ابْنَ سَلَمَةَ قَالَ: أَخْبَرَنَا مُحَمَّدُ بْنُ زِيَادٍ قَالَ: سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «عَجِبَ رَبُّنَا تَعَالَى مِنْ قَوْمٍ يُقَادُونَ إِلَى الْجَنَّةِ فِي السَّلَاسِلِ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٣٠٢/٢ من حديث حماد بن سلمة به ورواه البخاري، ح: ٣٠١٠ من حديث محمد بن زياد به.

Comments:

Meaning those disbelievers who are captured and chained by the Muslim military, but then they later accept Islam, as a result of which they are admitted to Paradise. We can deduce from the contents of the *Hadīth* that chaining captives is permissible in war. The *Hadīth* has also been interpreted to refer to those Muslims that are taken captive and chained, then either die or are assassinated in captivity.

2678. It was reported from Muslim bin ‘Abdullāh, from Jundab bin Makīth who said: “The Messenger of Allāh ﷺ sent ‘Abdullāh bin Ghālib Al-Laithī on an expedition, and I was with them. He ordered them to raid Banū Al-Mulawwah in

٢٦٧٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَمْرٍو بْنِ أَبِي الْحَجَّاجِ أَبُو مَعْمَرٍ قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ يَعْقُوبَ بْنِ عُثْبَةَ، عَنْ مُسْلِمِ بْنِ عَبْدِ اللَّهِ، عَنْ جُنْدَبِ بْنِ مَكِيثٍ قَالَ: بَعَثَ رَسُولُ اللَّهِ ﷺ عَبْدَ اللَّهِ بْنَ

Kadīd. So we set out, until we arrived in Kadīd, where we met Al-Ḥārith bin Al-Barṣā' Al-Laithī whom we took captive. He said: 'I only came intending to accept Islam, and I only came out to go to the Messenger of Allāh ﷺ.' We said: 'If you are a Muslim, our tying you up for a day and a night will not harm you, and if you are not, then we will have you tied up.' So we tied him up." (Da'if)

غَالِبُ اللَّيْثِيِّ فِي سَرِيَّةٍ وَكُنْتُ فِيهِمْ وَأَمَرَهُمْ أَنْ يَسْتَوْا الْغَارَةَ عَلَى بَنِي الْمُلُوحِ بِالْكَدِيدِ فَخَرَجْنَا حَتَّى إِذَا كُنَّا بِالْكَدِيدِ لَقِينَا الْحَارِثَ ابْنَ الْبَرْصَاءِ اللَّيْثِيِّ فَأَخَذَنَاهُ فَقَالَ: إِنَّمَا جِئْتُ أُرِيدُ الْإِسْلَامَ، وَإِنَّمَا خَرَجْتُ إِلَى رَسُولِ اللَّهِ ﷺ فَقُلْنَا: إِنْ تَكُ مُسْلِمًا لَمْ يَضُرَّكَ رَبَاظُنَا يَوْمًا وَلَيْلَةً، وَإِنْ تَكُنْ غَيْرَ ذَلِكَ نَسْتَوْثِقُ مِنْكَ، فَشَدَدْنَاهُ وَثَاقًا.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٦٧/٣ من حديث محمد بن إسحاق به مطولاً وصرح بالسمع * مسلم بن عبدالله بن خبيب الجهني: مجهول (تقريب) وفيه علة أخرى * عبدالله ابن غالب صوابه: غالب بن عبدالله كما في السيرة لابن هشام: ٢٥٧/٤، ٢٥٨ وغيرها.

2679. It was reported from Sa'eed bin Abī Sa'eed, that he heard Abū Hurairah saying: "The Messenger of Allāh ﷺ sent a cavalry troop towards Najd. They returned with a man from Banū Ḥanīfah by the name of Thumāmah bin Uthāl, who was the chief of the people of Al-Yamāmah. They tied him to one of the pillars in the *Masjid*. The Messenger of Allāh ﷺ went out to him and said: 'What do you have to say O Thumāmah?' He said: 'Something good O Muḥammad! If you kill me you are going to kill someone whose blood will be avenged, but if you show leniency, you will be showing leniency to one who is grateful. If you want wealth, just ask for it, and you will be given it as you wish.' The Messenger of Allāh ﷺ left him alone. When the following day came he asked him again: 'What do you have to say O Thumāmah?'

٢٦٧٩ - حَدَّثَنَا عَيْسَى بْنُ حَمَّادٍ الْبُصْرِيُّ وَقُتَيْبَةُ - قَالَ قُتَيْبَةُ، حَدَّثَنَا - اللَّيْثُ بْنُ سَعْدٍ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: بَعَثَ رَسُولُ اللَّهِ ﷺ خَيْلًا قَبْلَ نَجْدٍ، فَجَاءَتْ بِرَجُلٍ مِنْ بَنِي حَنِيفَةَ يُقَالُ لَهُ: ثُمَامَةُ ابْنُ أَثَالٍ سَيِّدُ أَهْلِ الْيَمَامَةِ، فَرَبَطُوهُ بِسَارِيَةٍ مِنْ سَوَارِي الْمَسْجِدِ، فَخَرَجَ إِلَيْهِ رَسُولُ اللَّهِ ﷺ فَقَالَ: «مَاذَا عِنْدَكَ يَا ثُمَامَةُ؟» قَالَ: عِنْدِي يَا مُحَمَّدُ! خَيْرٌ، إِنْ تَقَتَّلَ تَقَتَّلَ ذَا دَمٍ، وَإِنْ تُنْعِمَ تُنْعِمَ عَلَيَّ شَاكِرٌ، وَإِنْ كُنْتَ تُرِيدُ الْمَالَ فَسَلْ تُعْطَ مِنْهُ مَا شِئْتَ، فَتَرَكَهُ رَسُولُ اللَّهِ ﷺ حَتَّى إِذَا كَانَ الْعَدُوُّ، ثُمَّ قَالَ لَهُ: «مَا عِنْدَكَ يَا ثُمَامَةُ؟» فَأَعَادَ مِثْلَ هَذَا الْكَلَامِ، فَتَرَكَهُ رَسُولُ اللَّهِ ﷺ حَتَّى كَانَ بَعْدَ الْعَدُوِّ فَذَكَرَ مِثْلَ هَذَا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَطْلِقُوا ثُمَامَةَ»، فَأَنْطَلَقَ إِلَى نَحْلِ قَرِيبٍ مِنْ

He repeated what he had said before. The Messenger of Allāh ﷺ left him alone. When the next day after the following day came, he mentioned the same words as before. The Messenger of Allāh ﷺ then said: 'Set Thumāmah free.' He went off to some date palm trees near the *Masjid* and performed *Ghusl* and returned to the *Masjid*. Then he said: 'I bear witness that there is none has the right to be worshipped but Allāh, and I bear witness that Muḥammad is His servant and His Messenger.'" And (he cited) the *Hadīth*.

(One of the narrators) 'Eisā said: "Al-Laith informed us" and he said: "A protected man." (*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، الصلاة، باب دخول المشرك المسجد، ح: ٤٦٩ ومسلم، الجهاد والسير، باب ربط الأسير وحبسه وجواز المن عليه، ح: ١٧٦٤ عن قتيبة به.

Comments:

If considered expedient, a disbeliever may be brought into the *Masjid*.

2680. It was reported from Yahyā bin 'Abdullāh bin 'Abdur-Raḥmān bin Sa'd bin Zurarah, who said: "When the captives arrived, Sawdah bint Zam'ah was with the family of 'Afrā', at the halting place for their camels, with 'Awf and Mu'awwidh the sons of 'Afrā'. This happened before the *Hijāb* was prescribed. Sawdah said: 'By Allāh! I was with them, and when I came from them (the family of 'Afrā'), I was told: "These people are the captives that have just arrived." I returned to my house, and the Messenger of Allāh was in it, and Abū Yazid — Suhail bin 'Amr — was in a corner of the room, his

المَسْجِدِ فَاغْتَسَلَ فِيهِ ثُمَّ دَخَلَ الْمَسْجِدَ فَقَالَ: أَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ [وَسَاقَ] الْحَدِيثَ.
قَالَ عَيْسَى: أَخْبَرَنَا اللَّيْثُ وَقَالَ: ذَا ذِمٍّ.

٢٦٨٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو الرَّازِيُّ قَالَ: حَدَّثَنَا سَلَمَةُ يَعْنِي ابْنَ الْفَضْلِ عَنْ ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ أَبِي بَكْرٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ سَعْدِ بْنِ زُرَّارَةَ قَالَ: قُدِمَ بِالْأَسَارَى حِينَ قُدِمَ بِهِمْ وَسَوْدَةُ بِنْتُ زَمْعَةَ عِنْدَ آلِ عَفْرَاءَ فِي مُنَاجِهِمْ عَلَى عَوْفٍ وَمُعَوِذِ ابْنَيْ عَفْرَاءَ. قَالَ: وَذَلِكَ قَبْلَ أَنْ يُضْرَبَ عَلَيْهِنَ الْحِجَابُ قَالَ: تَقُولُ سَوْدَةُ: وَاللَّهِ! إِنِّي لَعِنْدَهُمْ إِذْ أَتَيْتُ فَقِيلَ: هَؤُلَاءِ الْأَسَارَى قَدْ أُتِيَ بِهِمْ، فَرَجَعْتُ إِلَى بَيْتِي وَرَسُولُ اللَّهِ ﷺ فِيهِ، وَإِذَا أَبُو يَزِيدَ

hands tied up to his neck with a rope.” Then he mentioned the rest of the *Hadīth*. (*Hasan*)

Abū Dāwud said: And they (‘Awf and Mu‘awwidh) killed Abū Jahl bin Hishām. They had deputed themselves to kill him while they did not know him, and they killed him at the battle of Badr.

- سُهَيْلُ بْنُ عَمْرٍو - فِي نَاحِيَةِ الْحَجَرَةِ
مَجْمُوعَةً يَدَاهُ إِلَى عُنُقِهِ بِحَبْلِ ثُمَّ ذَكَرَ
الْحَدِيثَ.

قَالَ أَبُو دَاوُدَ: وَهُمَا قَتَلَا أَبَا جَهْلٍ بَنَ
هِشَامٍ وَكَانَا ائْتَدَبَا لَهُ وَلَمْ يَعْرِفَاهُ وَقَتَلَا يَوْمَ
بَدْرٍ.

تخريج: [إسناده حسن] * يحيى روى هذا الحديث عن سودة كما هو الأظهر.

Comments:

They mortally wounded Abū Jahl, and Ibn Mas‘ūd delivered the final blows, see no. 2709.

Chapter 115 Regarding Abusing And Beating A Captive, (And Confession)

(المعجم ١١٥) بَابُ: فِي الْأَسِيرِ يُنَالُ
مِنْهُ وَيُضْرَبُ [وَيَقْرَرُ] (التحفة ١٢٥)

2681. Anas said: The Messenger of Allāh ﷺ called his Companions to proceed towards Badr. Suddenly they came across the water-carrying camels of the Quraish, among them was a black slave belonging to Banū Al-Hajjāj. The Companions of the Messenger of Allāh ﷺ took him captive and started asking him where Abū Sufyān was. He said: ‘By Allāh! I don’t know anything about him, but this is the Quraish who have come here, and among them are Abū Jahl, ‘Utbah and Shaibah the two sons of Rabī‘ah, and Umayyah bin Khalaf.’ When he said that to them, they beat him. Then he said: ‘Leave me alone, leave me alone, I will tell you.’ When they stopped, he said: ‘By Allāh! I don’t know anything about him, but this is the Quraish who have come here, and

٢٦٨١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ:
حَدَّثَنَا حَمَّادٌ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ رَسُولَ
اللَّهِ ﷺ نَذَبَ أَصْحَابَهُ فَانْطَلَقُوا إِلَى بَدْرٍ فَإِذَا
هُمْ بِرَوَايَا قُرَيْشٍ فِيهَا عَبْدٌ أَسْوَدٌ لِبْنِي
الْحَجَّاجِ، فَأَخَذَهُ أَصْحَابُ رَسُولِ اللَّهِ ﷺ
فَجَعَلُوا يَسْأَلُونَهُ أَيْنَ أَبُو سُفْيَانَ؟ فَيَقُولُ:
وَاللَّهِ! مَا لِي بِشَيْءٍ مِنْ أَمْرِهِ عِلْمٌ، وَلَكِنْ هَذِهِ
قُرَيْشٌ قَدْ جَاءَتْ فِيهِمْ أَبُو جَهْلٍ وَعُتْبَةُ وَشَيْبَةُ
ابْنَا رَبِيعَةَ وَأُمَيَّةُ بْنُ خَلْفٍ، فَإِذَا قَالَ لَهُمْ ذَلِكَ
ضَرَبُوهُ فَيَقُولُ: دَعُونِي، دَعُونِي أُخْبِرْكُمْ فَإِذَا
تَرَكُوهُ قَالَ: وَاللَّهِ! مَا لِي بِأَبِي سُفْيَانَ مِنْ
عِلْمٍ، وَلَكِنْ هَذِهِ قُرَيْشٌ قَدْ أَقْبَلَتْ فِيهِمْ أَبُو
جَهْلٍ وَعُتْبَةُ وَشَيْبَةُ ابْنَا رَبِيعَةَ وَأُمَيَّةُ بْنُ خَلْفٍ
قَدْ أَقْبَلُوا وَالنَّبِيُّ ﷺ يُصَلِّي وَهُوَ يَسْمَعُ ذَلِكَ،
فَلَمَّا انْصَرَفَ قَالَ: «وَالَّذِي نَفْسِي بِيَدِهِ! إِنَّكُمْ

among them are Abū Jahl, ‘Utbah and Shaibah the two sons of Rabī’ah and Umayyah bin Khalaf. They have come.’ All this happened while the Prophet ﷺ was praying and hearing all the conversation. After he finished the prayer, he said: ‘By Him in whose Hand my soul is! You people are beating him when he tells the truth, and leaving him when he tells a lie. This is the Quraish who have come here to protect Abū Sufyan.’”

Anas said: “The Messenger of Allāh ﷺ said: ‘This is the place where so-and-so will fall tomorrow,’ and he placed his hand on the ground; ‘this is the place where so-and-so will fall tomorrow,’ and he placed his hand on the ground; ‘this is the place where so-and-so will fall tomorrow,’ and he placed his hand on the ground; ‘This is the place where so-and-so will fall tomorrow,’ and he placed his hand on the ground.” He (Anas) said: ‘By Him in whose Hand my soul is! Nobody advanced beyond the place of the hand of the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ ordered that they be dragged by their feet and thrown into a well at Badr.’”

(*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجهاد والسير، باب غزوة بدر، ح: ١٧٧٩ من حديث حماد بن سلمة به مختصراً.

Chapter 116. Regarding Compelling A Captive To Accept Islam

2682. It was reported from Ibn ‘Abbās who said: “When a woman was *Miqlāh* (her children did not survive), she would vow that if her child survives she will make him a

لَتَضْرِبُونَهُ إِذَا صَدَقَكُمْ وَتَدْعُونَهُ إِذَا كَذَبَكُمْ، هَذِهِ فَرِيضٌ قَدْ أَقْبَلْتُ لَتَمْنَعَنَّ أَبَا سُفْيَانَ»، قَالَ أَنَسٌ: قَالَ رَسُولُ اللَّهِ ﷺ: «هَذَا مَضْرُوعُ فُلَانٍ غَدًا» وَوَضَعَ يَدَهُ عَلَى الْأَرْضِ، «وَهَذَا مَضْرُوعُ فُلَانٍ غَدًا» وَوَضَعَ يَدَهُ عَلَى الْأَرْضِ، «وَهَذَا مَضْرُوعُ فُلَانٍ غَدًا» وَوَضَعَ يَدَهُ عَلَى الْأَرْضِ، فَقَالَ وَالَّذِي نَفْسِي بِيَدِهِ! مَا جَاوَزَ أَحَدٌ مِنْهُمْ عَنْ مَوْضِعِ يَدِ رَسُولِ اللَّهِ ﷺ فَأَمَرَ بِهِمْ رَسُولُ اللَّهِ ﷺ، فَأَخَذَ بِأَرْجُلِهِمْ، فَسَجُّوا، فَأَلْقُوا فِي قَلْبِ بَدْرٍ.

(المعجم ١١٦) بَابُ: فِي الْأَسِيرِ يُكْرَهُ عَلَى الْإِسْلَامِ (التحفة ١٢٦)

٢٦٨٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عُمَرَ بْنِ عَلِيٍّ الْمُقَدَّمِيُّ قَالَ: حَدَّثَنَا أَشْعَثُ بْنُ عَبْدِ اللَّهِ يَغْنِي السَّجِسْتَانِي؛ ح: وَحَدَّثَنَا ابْنُ بَشَّارٍ:

Jew. When Banu An-Naḍir were expelled (from Arabia) there were some children of the *Anṣār* among them. They said: 'We shall not leave our children.' So Allāh, the Mighty and Sublime, revealed: There is no compulsion in religion. Verily, the right path has become distinct from the wrong path."^[1] (*Ṣaḥīḥ*)

Abū Dāwud said: *Al-Miqlāh* means a woman whose children do not survive.

حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ وَهَذَا لَفْظُهُ؛ ح: وَحَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا وَهْبُ بْنُ جَرِيرٍ عَنْ شُعْبَةَ، عَنْ أَبِي بَشِيرٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: كَانَتْ الْمَرْأَةُ تَكُونُ مِقْلَاةً فَتَجْعَلُ عَلَى نَفْسِهَا إِنْ عَاشَ لَهَا وَلَدٌ أَنْ تَهْوَدَ، فَلَمَّا أُجْلِيَتْ بَنُو النَّصِيرِ كَانَ فِيهِمْ مِنْ أَبْنَاءِ الْأَنْصَارِ فَقَالُوا: لَا نَدْعُ أَبْنَاءَنَا. فَأَنْزَلَ اللَّهُ عَزَّوَجَلَّ: ﴿لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ﴾ [البقرة: ٢٥٦]. قَالَ أَبُو دَاوُدَ: الْمِقْلَاةُ الَّتِي لَا يَعِيشُ لَهَا وَلَدٌ.

تخريج: [إسناده صحيح] أخرجه النسائي في الكبرى، ح: ١١٠٤٨ من حديث شعبة به.

Chapter 117. Killing A Captive Without Inviting Him To Islam

(المعجم ١١٧) - بَابُ قَتْلِ الْأَسِيرِ وَلَا يُعْرَضُ عَلَيْهِ الْإِسْلَامُ (التحفة ١٢٧)

2683. It was reported from Sa'd, who said: "On the Day of the conquest of Makkah, the Messenger of Allāh ﷺ granted protection to all the people except four men and two women," and he named them. Ibn Abī Sarḥ was one of them. Then he mentioned the *Ḥadīth*. He said: 'As for Ibn Abī Sarḥ, he hid himself with 'Uthmān bin 'Affān. When the Messenger of Allāh ﷺ called people to give him their pledge of allegiance, he brought him and made him stand in front of the Messenger of Allāh ﷺ, then he said: 'O Prophet of

٢٦٨٣ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَحْمَدُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا أَسْبَاطُ بْنُ نَصْرِ قَالَ: رَعِمَ السُّدِّيُّ عَنْ مُضْعَبِ بْنِ سَعْدٍ، عَنْ سَعْدٍ قَالَ: لَمَّا كَانَ يَوْمُ فَتْحِ مَكَّةَ آمَنَ رَسُولُ اللَّهِ ﷺ يَعْني النَّاسَ إِلَّا أَرْبَعَةً نَفَرٍ وَأَمْرَاتَيْنِ وَسَمَاهُمْ وَابْنُ أَبِي سَرْحٍ، فَذَكَرَ الْحَدِيثَ قَالَ: وَأَمَّا ابْنُ أَبِي سَرْحٍ فَإِنَّهُ اخْتَبَأَ عِنْدَ عُثْمَانَ بْنِ عَفَّانَ فَلَمَّا دَعَا رَسُولُ اللَّهِ ﷺ النَّاسَ إِلَى الْبَيْعَةِ جَاءَ بِهِ حَتَّى أَوْقَفَهُ عَلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: يَا نَبِيَّ اللَّهِ! بَايَعُ

[1] *Al-Baqarah*: 2:256.

Allāh! Receive the pledge of allegiance from ‘Abdullāh.’ He raised his head and looked at him three times, each time refusing him. Then he received pledge after the third time. Then he faced towards his Companions, and said: ‘Was there not among you an intelligent man, whom when he saw me not accepting his pledge would stand up and kill him?’ They said: ‘O Messenger of Allāh! We do not know what is in your soul, why did you not hint to us with your eye?’ He said: ‘It is not proper for a Prophet to have a treacherous eye.’”^[1] (*Hasan*)

Abū Dāwud said: ‘Abdullāh was a foster-brother of ‘Uthmān, and Al-Walīd bin ‘Uqbah was ‘Uthmān’s brother, through his mother, and ‘Uthmān imposed the *Hadd* (of lashes) beating on him for drinking wine.

تخریج: [إسناده حسن] أخرجه النسائي، تحريم الدم، باب الحكم في المرتد، ح: ٤٠٧٢.

من حديث أحمد بن المفضل به.

2684. It was reported from ‘Amr bin ‘Uthmān bin ‘Abdur-Raḥmān bin Sa‘eed bin Yarbū‘ Al-Makhzūmī, who said: “My grandfather narrated to me, from his father, that on the day of the Conquest of Makkah, the Messenger of Allāh ﷺ said: ‘There are four to whom I will not grant protection, neither in *Hill*, nor *Haram*’^[2] then he named them. There were two singing slave-girls belonging to Maqīs: One of them

عَبْدُ اللَّهِ، فَرَفَعَ رَأْسَهُ فَتَطَرَّ إِلَيْهِ ثَلَاثًا، كُلُّ ذَلِكَ يَأْبَى [عليه]، فَبَايَعَهُ بَعْدَ ثَلَاثٍ، ثُمَّ أَقْبَلَ عَلَى أَصْحَابِهِ فَقَالَ: «أَمَا كَانَ فِيكُمْ رَجُلٌ رَشِيدٌ يَقُومُ إِلَى هَذَا حَيْثُ رَأَيْتُ كَفَفْتُ يَدِي عَنْ بَيْعَتِهِ، فَيَقْتُلُهُ»، فَقَالُوا: مَا نَدْرِي يَا رَسُولَ اللَّهِ! مَا فِي نَفْسِكَ إِلَّا أَوْمَاتٌ إِلَيْنَا بَعَيْنِكَ؟ قَالَ: «إِنَّهُ لَا يَنْبَغِي لِنَبِيِّ أَنْ تَكُونَ لَهُ حَائِثَةُ الْأَعْيُنِ».

قَالَ أَبُو دَاوُدَ: وَكَانَ عَبْدُ اللَّهِ أَخَا عُثْمَانَ مِنَ الرِّضَاعَةِ وَكَانَ الْوَلِيدُ بْنُ عُقْبَةَ أَخَا عُثْمَانَ لَأُمِّهِ وَضَرَبَهُ عُثْمَانُ الْحَدَّ إِذْ شَرِبَ الْخَمْرَ.

٢٦٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا زَيْدُ بْنُ حُبَابٍ: أَخْبَرَنَا عَمْرُو بْنُ عُثْمَانَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ سَعِيدِ بْنِ يَزِيدِ بْنِ الْمُخَزُومِيِّ قَالَ: حَدَّثَنِي جَدِّي عَنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ يَوْمَ فَتْحِ مَكَّةَ: «أَرْبَعَةٌ لَا أُؤَمِّنُهُمْ فِي حِلٍّ وَلَا حَرَمٍ»، فَسَمَاهُمْ. قَالَ: وَفَيْنَتَيْنِ كَانَتَا لِمَقَيْسٍ فَقَتَلْتُ إِحْدَاهُمَا وَأُفْلِتَتْ الْأُخْرَى فَأَسْلَمَتْ.

^[1] See also no. 4359.

^[2] Meaning, in the *Haram* — sacred precincts — or out of it, and also in a state of *Ihrām* or not.

was killed, and the other escaped, and she accepted Islam. (*Da'if*)

Abū Dāwud said: I did not understand its chain of narration from Ibn Al-'Alā' the way I would like to.^[1]

تخریج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ٦٦/٦، ح: ٥٥٢٩ من حديث زيد بن حباب به * عمرو بن عثمان: وثقه ابن حبان وحده فهو مجهول الحال.

2685. Anas bin Mālik said: "The Messenger of Allāh ﷺ entered Makkah in the Year of Conquest wearing a helmet (*Mighfar*) on his head. When he took it off, a man came and said to him: Ibn Khaṭal is clinging to the curtains of the Ka'bah. He said: 'Kill him.'" (*Ṣaḥīḥ*)

Abū Dāwud said: Then name of Ibn Khaṭal is 'Abdullāh, and Abū Barzah Al-Aslamī killed him.

تخریج: أخرجه مسلم، الحج، باب جواز دخول مكة بغير إحرام، ح: ١٣٥٧ عن القعني والبخاري، الجهاد والسير، باب قتل الأسير وقتل الصبر، ح: ٣٠٤٤ من حديث مالك به وهو في الموطأ (يحيى): ٤٢٣/١.

Chapter 118. To Kill A Captive While Imprisoned

2686. It was reported from Ibrāhīm, who said: "Aḍ-Ḍaḥḥāk bin Qais wanted to give Masrūq a post. 'Umārah bin 'Uqbah said to him: 'Do you want to appoint someone from among the remnants of the murderers of 'Uthmān?' Masrūq said to him: "Abdullāh bin Mas'ūd narrated to us, and he was trustworthy according to us, in *Ḥadīth*: 'When the Prophet ﷺ wanted to kill your father, he said: "Who will look after my children?"

قَالَ أَبُو دَاوُدَ: لَمْ أَفْهَمْ إِسْنَادَهُ مِنْ ابْنِ الْعَلَاءِ كَمَا أَحَبُّ.

٢٦٨٥ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ ابْنِ شِهَابٍ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ رَسُولَ اللَّهِ ﷺ دَخَلَ مَكَّةَ عَامَ الْفَتْحِ وَعَلَى رَأْسِهِ الْمِغْفَرُ فَلَمَّا نَزَعَهُ جَاءَهُ رَجُلٌ، فَقَالَ: ابْنُ خَطَلٍ مُتَعَلِّقٌ بِأَسْتَارِ الْكَعْبَةِ فَقَالَ: «اقْتُلُوهُ».
قَالَ أَبُو دَاوُدَ: اسْمُ ابْنِ خَطَلٍ: عَبْدُ اللَّهِ وَكَانَ أَبُو بَرَزَةَ الْأَسْلَمِيُّ قَتَلَهُ.

(المعجم ١١٨) بَابُ: فِي قَتْلِ الْأَسِيرِ صَبْرًا (التحفة ١٢٨)

٢٦٨٦ - حَدَّثَنَا عَلِيُّ بْنُ الْحُسَيْنِ الرَّقِّيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ جَعْفَرٍ الرَّقِّيُّ قَالَ: أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ عَمْرِو عَنْ زَيْدِ بْنِ أَبِي أَنَسَةَ، عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ إِبْرَاهِيمَ قَالَ: أَرَادَ الضَّحَّاكُ بْنُ قَيْسٍ أَنْ يَسْتَعْمِلَ مَسْرُوقًا، فَقَالَ لَهُ عُمَارَةُ بْنُ عُقْبَةَ: أَتَسْتَعْمِلُ رَجُلًا مِنْ بَقَايَا قَتَلَةِ عُثْمَانَ؟ فَقَالَ لَهُ مَسْرُوقٌ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ مَسْعُودٍ، وَكَانَ فِي أَنْفُسِنَا مَوْثُوقٌ

^[1] Meaning, Muḥammad bin Al-'Alā', from whom he heard this narration.

He replied: "The Fire." I approve for you what the Messenger of Allāh ﷺ approved for you." (Da'if)

الْحَدِيثُ: أَنَّ النَّبِيَّ ﷺ لَمَّا أَرَادَ قَتْلَ أَبِيكَ، قَالَ: مَنْ لِلصَّيِّةِ؟ قَالَ: «النَّارُ»، فَقَدْ رَضِيتُ لَكَ مَا رَضِيَ لَكَ رَسُولُ اللَّهِ ﷺ.

تخريج: [إسناده ضعيف] أخرجه البيهقي في دلائل النبوة: ٣٩٧/٦ من حديث أبي داود به، وللحديث طرق كثيرة في العقد التمام في تخريج السيرة لابن هشام، ص: ٢٦٥ يسر الله لي طبعه * إبراهيم النخعي مدلس وعنعن، وللحديث شواهد ضعيفة كلها.

Comments:

'Uqbah bin Mu'īṭ was an absolutely wicked person. He had crossed all limits in his enmity towards the Messenger of Allāh ﷺ. It was he who had thrown the entrails of a camel on the back of the Messenger of Allāh ﷺ while he was performing *Ṣalāt*. He was put to the sword in captivity while returning from Badr to Al-Madīnah.

Chapter 119. To Kill A Captive With An Arrow

(المعجم ١١٩) بَابُ: فِي قَتْلِ الْأَسِيرِ
بِالنَّبْلِ (التحفة ١٢٩)

2687. It was reported from Ibn Tī'lā, who said: "We fought along with 'Abdur-Raḥmān bin Khālīd bin Al-Walīd. Four who were strong among the enemies were brought. He ordered them to be killed in confinement." (Da'if)

٢٦٨٧ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ الْأَشْجِ، عَنِ ابْنِ تَعْلَى قَالَ: غَزَوْنَا مَعَ عَبْدِ الرَّحْمَنِ بْنِ خَالِدِ بْنِ الْوَلِيدِ فَأُتِيَ بِأَرْبَعَةِ أَغْلَاجٍ مِنَ الْعَدُوِّ فَأَمَرَ بِهِمْ فَقَتَلُوا صَبْرًا.

Abū Dāwud said: Others, aside from Sa'eed, said to us, in this *Ḥadīth*; from Ibn Wahb: "With arrows in confinement. So when that reached Abū Ayyūb Al-Anṣārī, he said: 'I heard the Messenger of Allāh ﷺ prohibit killing a person in confinement. By the One in whose Hand my soul is! Even if it is a chicken I will not kill it in confinement.' So this reached 'Abdur-Raḥmān bin Khālīd bin Al-Walīd, so he freed the four slaves."

قَالَ أَبُو دَاوُدَ: قَالَ لَنَا غَيْرُ سَعِيدٍ عَنْ ابْنِ وَهْبٍ فِي هَذَا الْحَدِيثِ، قَالَ: بِالنَّبْلِ صَبْرًا، فَبَلَغَ ذَلِكَ أَبَا أَيُّوبَ الْأَنْصَارِيِّ فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَنْهَى عَنْ قَتْلِ الصَّبْرِ، فَوَالَّذِي نَفْسِي بِيَدِهِ! لَوْ كَانَتْ دَجَاجَةٌ مَا صَبَرْتُهَا، فَبَلَغَ ذَلِكَ عَبْدَ الرَّحْمَنِ بْنِ خَالِدِ بْنِ الْوَلِيدِ، فَأَعْتَقَ أَرْبَعَ رِقَابٍ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٢٢/٥ من حديث ابن وهب به وهو في سنن سعيد ابن منصور، ح: ١٦٦٧ * بكير بن عبدالله بن الأشج: رواه عن أبيه عن عبيد بن تعلق به، وأبوه لم يوثقه غير ابن حبان.

Chapter 120. Regarding The Generosity In Freeing A Captive Without Any Ransom

2688. Anas said: "Eighty men from the people of Makkah came down from the mountains of Tan'im to kill the Prophet ﷺ and his Companions at the time of the *Fajr* prayer. The Messenger of Allāh ﷺ took them captive without fighting, and he freed them. Therefore, Allāh, the Mighty and Sublime revealed: 'And He it is Who has withheld their hands from you, and your hands from them in the midst of Makkah...' till the end of the Verse."^[1] (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجهاد والسير، باب قول الله تعالى: ﴿وَهُوَ الَّذِي كَفَّ أَيْدِيَهُمْ عَنْكُمْ﴾ ح: ١٨٠٨ من حديث حماد بن سلمة به.

2689. It was reported from Muḥammad bin Jubair bin Muṭ'im, from his father, that the Prophet ﷺ said to the captives of Badr: "If Muṭ'im bin 'Adī was alive and spoke to me on behalf of those filthy ones, I would have freed them for him." (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، فرض الخمس، باب ما من النبي ﷺ على الأسارى من غير أن يخمس، ح: ٣١٣٩ من حديث عبدالرزاق به.

Comments:

Muṭ'im bin 'Adī had provided protection to the Messenger of Allāh ﷺ and pledged to defend him against persecution by the Quraish, while he ﷺ was on his way back from At-Tā'if to Makkah.

(المعجم ١٢٠) **بَابُ: فِي الْمَنِّ عَلَى الْأَسِيرِ بِغَيْرِ فِدَاءٍ (التحفة ١٣٠)**

٢٦٨٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَادٌ قَالَ: أَخْبَرَنَا ثَابِتٌ عَنْ أَنَسٍ: أَنَّ ثَمَانِينَ رَجُلًا مِنْ أَهْلِ مَكَّةَ هَبَطُوا عَلَى النَّبِيِّ ﷺ وَأَصْحَابِهِ مِنْ جِبَالِ التَّنْعِيمِ عِنْدَ صَلَاةِ الْفَجْرِ لِيَقْتُلُوهُمْ، فَأَخَذَهُمْ رَسُولُ اللَّهِ ﷺ سِلْمًا، فَأَعْتَقَهُمْ رَسُولُ اللَّهِ ﷺ، فَأَنْزَلَ اللَّهُ عَزَّوَجَلَّ: ﴿وَهُوَ الَّذِي كَفَّ أَيْدِيَهُمْ عَنْكُمْ وَأَيْدِيَكُمْ عَنْهُمْ بِطَنْ مَكَّةَ﴾ إِلَى آخِرِ الْآيَةِ.

٢٦٨٩ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ مُحَمَّدِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ قَالَ لِأَسَارَى بَدْرٍ: «لَوْ كَانَ مُطْعِمُ بْنُ عَدِيٍّ حَيًّا ثُمَّ كَلَّمَنِي فِي هَؤُلَاءِ النَّتْنَى لَأَطْلَقْتُهُمْ لَهُ».

^[1] *Al-Fath* 48:24.

Chapter 121. Regarding Ransoming Captives With Wealth

2690. It was reported from Simāk Al-Hanafī who said: “Ibn ‘Abbās narrated to me, he said: “‘Umar bin Al-Khaṭṭāb said: “On the day of (the battle of) Badr, the Prophet ﷺ accepted ransom, so Allāh, the Mighty and Sublime, revealed: ‘It is not for a Prophet that he should have prisoners of war (and free them with ransom) until he had made a great slaughter (among the enemies) in the land...’ up to His saying: ‘...(a severe torment) would have touched you for what you took...’^[1] of the ransom, then (later) Allāh made the spoils of war lawful for them.” (*Ṣaḥīḥ*)

Abū Dāwud said: I heard Aḥmad bin Ḥanbal being asked Abū Nuḥ’s (one of the narrators) name: He said: “What do you want to do with his name? His name is a bad one.”

Abū Dāwud said: His name is Qurād, and what is correct is that his name is ‘Abdur-Raḥmān bin Gazwān.’^[2]

تخريج: أخرجه مسلم، الجهاد والسير، باب الإمداد بالملائكة في غزوة بدر، وإباحة الغنائم، ح: ١٧٦٣ من حديث عكرمة بن عمار به وهو في مسند أحمد: ١/ ٣٠، ٣٣.

2691. It was reported from Abū Ash-Shaṭṭā, from Ibn ‘Abbās that the Prophet ﷺ fixed the ransom for the people of *Jāhiliyyah* on the Day of Badr at four hundred. (*Ḥasan*)

(المعجم ١٢١) بَابُ: فِي فِدَاءِ الْأَسِيرِ
بِالْمَالِ (التحفة ١٣١)

٢٦٩٠ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ حَبْلٍ قَالَ: حَدَّثَنَا أَبُو نُوحٍ قَالَ: أَخْبَرَنَا عِكْرِمَةُ بْنُ عَمَّارٍ قَالَ: حَدَّثَنَا سِمَاكُ الْحَنْظَلِيُّ قَالَ: حَدَّثَنِي ابْنُ عَبَّاسٍ قَالَ: حَدَّثَنِي عُمَرُ ابْنُ الْخَطَّابِ قَالَ: لَمَّا كَانَ يَوْمُ بَدْرٍ فَأَخَذَ يَعْنِي النَّبِيُّ ﷺ الْفِدَاءَ أَنْزَلَ اللَّهُ عَزَّوَجَلَّ ﴿مَا كَانَتْ لِيَنِي أَنْ يَكُونَ لَكَ أَشْرَى حَتَّى يُفْخِصَ فِي الْأَرْضِينَ﴾ إِلَى قَوْلِهِ: ﴿لَمَسْكُمُ فِيمَا أَخَذْتُمُ﴾ [الأنفال: ٦٨] مِنَ الْفِدَاءِ ثُمَّ أَحَلَّ اللَّهُ لَهُمُ الْغَنَائِمَ.

قَالَ أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ بْنَ حَبْلٍ يُسْأَلُ عَنْ اسْمِ أَبِي نُوحٍ فَقَالَ: أَيُّشٍ تَصْنَعُ بِاسْمِهِ؟ اسْمُهُ اسْمٌ شَنِيعٌ.
قَالَ أَبُو دَاوُدَ: اسْمُهُ قُرَادٌ، وَالصَّحِيحُ عَبْدُ الرَّحْمَنِ بْنُ غَزْوَانَ.

٢٦٩١ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ الْمُبَارَكِ الْعِيشِيُّ: حَدَّثَنَا سُفْيَانُ بْنُ حَبِيبٍ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي الْعَبَّاسِ، عَنْ أَبِي الشَّعَثَاءِ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ جَعَلَ فِدَاءَ أَهْلِ

^[1] *Al-Anfāl* 8:67-68.

^[2] Meaning, that Qurād is a nickname.

الْجَاهِلِيَّةِ يَوْمَ بَذَرِ أَرْبَعِمَائَةٍ.

تخريج: [إسناده حسن] أخرجه النسائي في الكبرى، ح: ٨٦٦١ من حديث عبدالرحمن بن المبارك به وصححه الحاكم: ٣/١٤٠ ووافقه الذهبي * أبو العنيس، لا ينزل حديثه عن درجة الحسن.

2692. It was reported from ‘Āishah that she said: “When the people of Makkah sent ransom to free their families from captivity, Zainab sent some wealth to free Abū Al-‘Āṣ, along with her necklace, which was *Khadijah’s* and she had given to Zainab at the time of her marriage to Abū Al-‘Āṣ.” She said: “When the Messenger of Allāh ﷺ saw it, he was overwhelmed with compassion for her, and said: ‘If you (wish) consider freeing the captive (i.e., Abū Al-‘Āṣ), and also return back to her what belongs to her.’ They said: ‘Yes.’ The Messenger of Allāh ﷺ had taken oath from him, or he promised him, to let Zainab come to him. The Messenger of Allāh ﷺ sent Zaid bin Hārithah and another man from the *Anṣār*, and told them: ‘Be in the valley of Ya’jij until Zainab passes you, then accompany her until you bring her.’” (*Hasan*)

٢٦٩٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ ابْنِ إِسْحَاقَ، عَنْ يَحْيَى بْنِ عَبْدِ، عَنْ أَبِيهِ عَبْدِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا بَعَثَ أَهْلُ مَكَّةَ فِي فِدَاءِ أُسْرَائِهِمْ بَعَثْتُ زَيْنَبَ فِي فِدَاءِ أَبِي الْعَاصِ بِمَالٍ وَبَعَثْتُ فِيهِ بِقِلَادَةٍ لَهَا كَانَتْ عِنْدَ خَدِيجَةَ أَدْخَلْتُهَا بِهَا عَلَى أَبِي الْعَاصِ. قَالَتْ: فَلَمَّا رَأَاهَا رَسُولُ اللَّهِ ﷺ رَقَّ لَهَا رِفْقَةً شَدِيدَةً وَقَالَ: «إِنْ رَأَيْتُمْ أَنْ تُطْلِقُوا لَهَا أَسِيرَهَا وَتَرُدُّوْا عَلَيْهَا الَّذِي لَهَا». قَالُوا: نَعَمْ، وَكَانَ رَسُولُ اللَّهِ ﷺ أَحْزَنَ عَلَيْهِ، أَوْ وَعَدَهُ أَنْ يُخْلِي سَبِيلَ زَيْنَبَ إِلَيْهِ، وَبَعَثَ رَسُولُ اللَّهِ ﷺ زَيْدَ ابْنَ حَارِثَةَ وَرَجُلًا مِنَ الْأَنْصَارِ فَقَالَ: «كُونَا بِبَطْنِ يَاجِجَ حَتَّى تَمُرَّ بِكُمَا زَيْنَبُ فَتُصْحَبَاهَا حَتَّى تَأْتِيَا بِهَا».

تخريج: [حسن] أخرجه أحمد: ٦/٢٧٦ من حديث محمد بن إسحاق به، وصرح بالسماع وصححه الحاكم: ٣/٢٣٦، ٣٢٤ و ٤٥، ٤٤/٤ على شرط مسلم ووافقه الذهبي وهو في السيرة لابن هشام، ص: ٦٥٣.

Comments:

If considered expedient, it is allowed to free the prisoner of war without ransom. The marriage of Zainab with Abū Al-‘Āṣ had taken place before the Messenger of Allāh’s advent as a Prophet. He, however, accepted Islam as late as the days of Al-Ḥudaibiyah. The Valley of Ya’jij was situated at a distance of eight miles from Makkah.

2693. Marwān and Al-Miswar bin Makhramah said: “When the delegates of Hawāzin came as Muslims, they requested that their wealth be returned back to them. The Messenger of Allāh ﷺ said to them: ‘There are others with me as you see, and the dearest speech to me is that which is most true. So choose either the captives or the wealth.’ They said: ‘We choose our captives.’ The Messenger of Allāh ﷺ stood up, praised Allāh and then said: ‘To proceed: Indeed your brethren have come with repentance, and I see it appropriate to return back to them their captives. Whoever among you would like to do that as a favor, then he should do so, and whoever amongst you wants to keep his share, until we give him something from the first *Fai*’ which Allāh grants us, he may do so.’ The people said: ‘We would like to (release) the captives for them O Messenger of Allāh!’ The Messenger of Allāh ﷺ said to them: ‘We do not know who amongst you have given the permission and who did not, so return back until your leaders may come back to me with your affair.’ So the people went away, and they were spoken to by their leaders. They informed that they agree to give the captives back and have granted the permission.” (*Sahih*)

إذا وهب شيئاً لوكيل أو شفيع قوم جاز،

٢٦٩٣ - حَدَّثَنَا أَحْمَدُ بْنُ أَبِي مَرْيَمَ:

حَدَّثَنَا عَمِّي يَعْنِي سَعِيدَ بْنَ الْحَكَمِ قَالَ:
أَخْبَرَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ عَقِيلٍ، عَنْ ابْنِ
شِهَابٍ قَالَ: وَذَكَرَ عُرْوَةُ بْنُ الزُّبَيْرِ أَنَّ مَرْوَانَ
وَالْمِسْوَرَ بْنَ مَخْرَمَةَ أَخْبَرَاهُ أَنَّ رَسُولَ اللَّهِ ﷺ
قَالَ حِينَ جَاءَهُ وَقَدْ هَوَّازَنَ مُسْلِمِينَ، فَسَأَلُوهُ
أَنْ يَرُدَّ إِلَيْهِمْ أَمْوَالَهُمْ، فَقَالَ لَهُمْ رَسُولُ اللَّهِ
ﷺ: «مَعِيَ مَنْ تَرَوْنَ، وَأَحَبُّ الْحَدِيثِ إِلَيَّ
أَصْدَقُهُ، فَاخْتَارُوا إِمَّا السَّيِّئَ وَإِمَّا الْمَالَ»،
فَقَالُوا: نَخْتَارُ سَيِّئَنَا، فَقَامَ رَسُولُ اللَّهِ ﷺ
فَأَثْنَى عَلَى اللَّهِ ثُمَّ قَالَ: «أَمَّا بَعْدُ، فَإِنَّ
إِخْوَانَكُمْ هَؤُلَاءِ جَاءُوا تَائِبِينَ، وَإِنِّي قَدْ رَأَيْتُ
أَنْ أُرَدَّ إِلَيْهِمْ سَبْيُهُمْ، فَمَنْ أَحَبَّ مِنْكُمْ أَنْ
يُطَيَّبَ ذَلِكَ فَلْيَفْعَلْ، وَمَنْ أَحَبَّ مِنْكُمْ أَنْ
يَكُونَ عَلَى حَظِّهِ حَتَّى نُعْطِيَهُ إِيَّاهُ مِنْ أَوَّلِ مَا
يُعْطِيهِ اللَّهُ عَلَيْنَا فَلْيَفْعَلْ»، فَقَالَ النَّاسُ: قَدْ
طَيَّبْنَا ذَلِكَ لَهُمْ يَا رَسُولَ اللَّهِ! فَقَالَ لَهُمْ رَسُولُ
اللَّهِ ﷺ: «إِنَّا لَا نَدْرِي مَنْ أَذِنَ مِنْكُمْ وَمَنْ لَمْ
يَأْذَنْ، فَارْجِعُوا حَتَّى يَرْفَعَ إِلَيْنَا عُرْفَاءُكُمْ
أَمْرَكُمْ»، فَارْجَعَ النَّاسُ وَكَلَّمَهُمْ عُرْفَاؤُهُمْ
فَأَخْبَرُوا أَنَّهُمْ قَدْ طَيَّبُوا وَأَذِنُوا.

تخريج: أخرجه البخاري، الوكايلة، باب:

ح: ٢٣٠٧، ٢٣٠٨ من حديث الليث بن سعد به.

2694. It was reported from ‘Amr bin Shu’aib, from his father, from his grandfather — about this narrative — he said: “Then the Messenger of Allāh ﷺ said: ‘Return their women and children to them, and anyone who keeps anything from this *Fai*’ he will be compensated for it by six camels from the first *Fai*’ which Allāh, Most High, grants us.’ Then the Prophet ﷺ went to a camel and took some hair of it’s hump, and said: ‘O people! I am not taking anything from this *Fai*’, not even this (hair),’ he raised his two fingers, and said: ‘except the *Khumus* (the fifth), and this *Khumus* is returned among you, so give back even the threads and the needles.’ A man stood up with a ball of hair in his hand, and said: ‘I had taken this to fix my saddle blanket with it.’ The Messenger of Allāh ﷺ then said: ‘Whatever belongs to me and Banū ‘Abdul-Muṭṭalib, you can take it.’ He said: ‘After what I have seen transpire, then I have no desire for it at all, and discarded it.’”^[1] (*Hasan*)

تخريج: [حسن] أخرجه النسائي، الهبة، باب هبة المشاع، ح: ٣٧١٨ من حديث حماد بن سلمة به وهو في السيرة لابن هشام (بتحقيقي)، ح: ٢٠٣ * محمد بن إسحاق صرح بالسماع عند ابن الجارود، ح: ١٠٨٠ وغيره.

Chapter 122. Regarding The Leader Remaining At The Battlefield After Victory Over The Enemy

2695. It was reported from Abū

٢٦٩٤ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ:

حَدَّثَنَا حَمَّادٌ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ فِي هَذِهِ الْقِصَّةِ قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «رُدُّوْا عَلَيْهِمْ نِسَاءَهُمْ وَأَبْنَاءَهُمْ، فَمَنْ مَسَكَ بِشَيْءٍ مِنْ هَذَا الْفَيِّْ فَإِنَّ لَهُ بِهِ عَلَيْنَا سِتَّ فَرَائِضَ مِنْ أَوَّلِ شَيْءٍ يُفِيئُهُ اللَّهُ تَعَالَى عَلَيْنَا» ثُمَّ دَنَا، يَغْنِي النَّبِيَّ ﷺ، مِنْ بَعِيرٍ فَأَخَذَ وَبَرَةً مِنْ سَنَامِهِ ثُمَّ قَالَ: «أَيُّهَا النَّاسُ! إِنَّهُ لَيْسَ لِي مِنْ هَذَا الْفَيِّْ شَيْءٌ وَلَا هَذَا»، وَرَفَعَ إصْبَعَيْهِ «إِلَّا الْخُمْسَ». وَالْخُمْسُ مَرْدُودٌ عَلَيْكُمْ فَأَدُّوا الْخِيَاطَ وَالْمِخِيطَ. فَقَامَ رَجُلٌ فِي يَدِهِ كُبَّةٌ مِنْ شَعْرِ، فَقَالَ: أَخَذْتُ هَذِهِ لِأُصْلِحَ بِهَا بَرْدَعَةً لِي، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَمَّا مَا كَانَ لِي وَلَيِّنِي عَبْدُ الْمُطَّلِبِ فَهُوَ لَكَ»، فَقَالَ: أَمَّا إِذَا بَلَغَتْ مَا أَرَى فَلَا أَرْبَ لِي فِيهَا وَبَذَهَا.

(المعجم ١٢٢) بَابُ: فِي الْإِمَامِ يُقِيمُ
عِنْدَ الظُّهُورِ عَلَى الْعَدُوِّ بِعَرَضَتِهِمْ
(التحفة ١٣٢)

٢٦٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا

^[1] The author recorded another narration with something similar, see no. 2755.

Talḥah, who said: "After being victorious over any people, the Messenger of Allāh ﷺ would stay at the battlefield for three nights."

(In his version) Ibn Al-Muthannah said: "If he was victorious over any people, he liked to stay in their battlefield for three days." (*Ṣaḥīḥ*)

Abū Dāwud said: Yaḥyā bin Sa'eed used to criticize this *Ḥadīth* because it is not among the early *Ḥadīth* of Sa'eed, since his memory became distorted in the year forty — five, and this *Ḥadīth* was not narrated except later than that.

Abū Dāwud said: It is said that Wakī' reported from him after he became mixed up (in narrating).

تخريج: أخرجه البخاري، الجهاد والسير، باب من غلب العدو، فأقام على عرستهم ثلاثاً ح: ٣٠٦٥ من حديث روح بن عباد به.

Chapter 123. Regarding Separating Captives

2696. It was reported from Maimūn bin Abī Shabīb, from 'Alī, may Allāh be pleased with him, that he separated between a slave woman and her child. The Prophet ﷺ prohibited him from doing that, and withdrew the sale. (*Da'īf*)

Abū Dāwud said: Maimūn did not meet 'Alī. He (Maimūn) was killed in the battle of Al-Jamājim, and Al-Jamājim was in the year eighty-three.

Abū Dāwud said: And the battle of Al-Ḥarrah was in the year sixty-three, and Ibn Az-Zubair was killed in the year seventy-three.

مُعَاذُ بْنُ مُعَاذٍ، ح: وَحَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا رَوْحٌ قَالَ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنْ أَنَسٍ، عَنْ أَبِي طَلْحَةَ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا غَلَبَ عَلَى قَوْمٍ أَقَامَ بِالْعُرْصَةِ ثَلَاثًا - قَالَ ابْنُ الْمُثَنَّى: إِذَا غَلَبَ قَوْمًا - أَحَبَّ أَنْ يُقِيمَ بِعُرْصَتِهِمْ ثَلَاثًا.

قَالَ أَبُو دَاوُدَ: كَانَ يَحْتَجِي بْنُ سَعِيدٍ يَطْعُنُ فِي هَذَا الْحَدِيثِ لِأَنَّهُ لَيْسَ مِنْ قَدِيمِ حَدِيثِ سَعِيدٍ، لِأَنَّهُ تَغَيَّرَ سَنَةُ خَمْسٍ وَارْبَعِينَ، وَلَمْ يُخْرِجْ هَذَا الْحَدِيثَ إِلَّا بآخِرِهِ.

قَالَ أَبُو دَاوُدَ: يُقَالُ: إِنَّ وَكِيعًا حَمَلَ عَنْهُ فِي تَعْيِيرِهِ.

(المعجم ١٢٣) بَابُ: فِي التَّفْرِيقِ بَيْنَ

السَّبْيِ (التحفة ١٣٣)

٢٦٩٦ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا إِسْحَاقُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ السَّلَامِ ابْنُ حَرْبٍ عَنْ يَزِيدَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ الْحَكَمِ، عَنْ مَيْمُونِ بْنِ أَبِي شَيْبٍ، عَنْ عَلِيٍّ رَضِيَ اللَّهُ عَنْهُ: أَنَّهُ فَرَّقَ بَيْنَ جَارِيَةٍ وَوَلَدِهَا، فَتَنَاهَا النَّبِيُّ ﷺ عَنْ ذَلِكَ وَرَدَّ الْبَيْعَ.

قَالَ أَبُو دَاوُدَ: وَمَيْمُونٌ لَمْ يَذْكُرْ عَلِيًّا قُتِلَ بِالْجَمَاجِمِ. وَالْجَمَاجِمُ سَنَةُ ثَلَاثٍ وَثَمَانِينَ.

قَالَ أَبُو دَاوُدَ: وَالْحَرَّةُ سَنَةُ ثَلَاثٍ وَسِتِّينَ، وَقُتِلَ ابْنُ الزُّبَيْرِ سَنَةَ ثَلَاثٍ وَسَبْعِينَ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٢٦/٩ من حديث أبي داود به، وسنده ضعيف وللحديث شواهد، وحديث الترمذي ح: ١٢٨٣، ١٥٦٦، يغني عنه.

Comments:

Other narrations support the ruling that it is not allowed to separate a slave woman from her child.

Chapter 124. The Permission To Separate In The Case Of Those (Captives) Who Reached Puberty

2697. It was reported from Iyās bin Salamah, who said: "My father narrated to me, he said: 'We went out on an expedition with Abū Bakr, whom the Messenger of Allāh ﷺ had appointed commander over us. We attacked Fazārah, then I saw a group of people, among which were children and women. I shot an arrow towards them, which fell between them and the mountain, so they stood there. I brought them to Abū Bakr. Among them there was a woman from Fazārah, and she was wearing a leather coat. She had her daughter with her, who was the most beautiful of the Arabs. Abū Bakr awarded me her daughter. When I arrived in Al-Madīnah, the Messenger of Allāh ﷺ met me and said: 'O Salamah! Grant me the woman.' I said: 'By Allāh! I like her, but I have not removed her garments.' He kept quite, and when the next day came, the Messenger of Allāh ﷺ met me in the market, and said to me: 'O Salamah! Grant me the woman by Allāh! By your father.'^[1] So I said: 'O Messenger

(المعجم ١٢٤) - بَابُ الرُّخْصَةِ فِي الْمُدْرِكِينَ يُفْرَقُ بَيْنَهُمْ (التحفة ١٣٤)

٢٦٩٧ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا هَاشِمُ بْنُ الْقَاسِمِ: حَدَّثَنَا عِكْرِمَةُ قَالَ: حَدَّثَنِي إِيَّاسُ بْنُ سَلَمَةَ قَالَ: حَدَّثَنِي أَبِي قَالَ: خَرَجْنَا مَعَ أَبِي بَكْرٍ - وَأَمْرُهُ عَلَيْنَا رَسُولُ اللَّهِ ﷺ - فَعَزَوْنَا فَزَارَةَ، فَشَنَنَّا الْغَارَةَ، ثُمَّ نَظَرْتُ إِلَى عُتَيٍّ مِنَ النَّاسِ فِيهِ الذَّرِيَّةُ وَالنِّسَاءُ، فَرَمَيْتُ بِسَهْمٍ فَوَقَعَ بَيْنَهُمْ وَبَيْنَ الْجَبَلِ فَقَامُوا فَجِئْتُ بِهِمْ إِلَى أَبِي بَكْرٍ فِيهِمْ امْرَأَةٌ مِنْ فَزَارَةَ وَعَلَيْهَا قِشْعٌ مِنْ أَدَمَ، مَعَهَا بِنْتُ لَهَا مِنْ أَحْسَنِ الْعَرَبِ، فَتَقَلَّنِي أَبُو بَكْرٍ بِنْتَهَا فَقَدِمْتُ الْمَدِينَةَ، فَلَقِينِي رَسُولُ اللَّهِ ﷺ فَقَالَ لِي: «يَا سَلَمَةُ! هَبْ لِي الْمَرْأَةَ»، فَقُلْتُ: وَاللَّهِ! لَقَدْ أَعْجَبْتَنِي وَمَا كَشَفْتُ لَهَا ثَوْبًا، فَسَكَتَ حَتَّى إِذَا كَانَ مِنَ الْعَدِ لَقِينِي رَسُولُ اللَّهِ ﷺ فِي السُّوقِ، فَقَالَ لِي: «يَا سَلَمَةُ! هَبْ لِي الْمَرْأَةَ اللَّهُ أَبُوكَ»، فَقُلْتُ: يَا رَسُولَ اللَّهِ! وَاللَّهِ! مَا كَشَفْتُ لَهَا ثَوْبًا وَهِيَ لَكَ، فَبَعَثَ بِهَا إِلَى أَهْلِ مَكَّةَ وَفِي أَيْدِيهِمْ أَشْرَى، فَقَدَّاهُمْ بِتِلْكَ الْمَرْأَةِ.

^[1] This is a custom of swearing that was later prohibited.

of Allāh! By Allāh! I have not removed her garment, and she is for you.' He sent her to the people of Makkah who had some (Muslim) captives. They were released (in exchange) for this woman." (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجهاد والسير، باب التنفيل وفداء المسلمين بالأسارى، ح: ١٧٥٥ من حديث عكرمة بن عمار به.

Comments:

If the enemy prisoners of war are grown up men and women, they can be separated from each other.

Chapter 125. Regarding Muslims' Wealth That The Enemy Acquires, Then Its Owner Finds In Among The Spoils

(المعجم ١٢٥) **بَابُ: فِي الْمَالِ يُصِيبُهُ الْعَدُوُّ مِنَ الْمُسْلِمِينَ ثُمَّ يُدْرِكُهُ صَاحِبُهُ فِي الْغَنِيمَةِ (التحفة ١٣٥)**

2698. It was reported from Ibn Abī Zā'idah, from 'Ubaidullāh, from Nāfi', from Ibn 'Umar that a male slave of Ibn 'Umar ran away to the enemy, and then the Muslims were victorious over them. The Messenger of Allāh ﷺ returned him back to Ibn 'Umar, and he was not part of the distribution (of the spoils). (*Ḍa'īf*)

٢٦٩٨ - حَدَّثَنَا صَالِحُ بْنُ سَهْلٍ: حَدَّثَنَا يَحْيَى يَعْنِي ابْنَ أَبِي زَائِدَةَ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ غُلَامًا لَابْنِ عُمَرَ أَتَى إِلَى الْعَدُوِّ فَظَهَرَ عَلَيْهِ الْمُسْلِمُونَ، فَرَدَّهُ رَسُولُ اللَّهِ ﷺ إِلَى ابْنِ عُمَرَ وَلَمْ يُقْسَمَ. قَالَ أَبُو دَاوُدَ: وَقَالَ غَيْرُهُ رَدَّهُ عَلَيْهِ خَالِدُ ابْنُ الْوَلِيدِ.

Abū Dāwud said: It was said by other than him: "Khālīd bin Al-Walīd returned him to Ibn 'Umar."

تخريج: [إسناده ضعيف] أخرجه الطحاوي في معاني الآثار: ٣/٢٦٤ من حديث ابن أبي زائدة به، وهذا شاذ، انظر الحديث الآتي.

2699. It was reported from Ibn Numair, from 'Ubaidullāh, from Nāfi', from Ibn 'Umar, who said that a horse of his fled away and was captured by the enemy. Then the Muslims were victorious over them, and it was returned back to him during the life-time of the

٢٦٩٩ - حَدَّثَنَا مُحَمَّدُ بْنُ سَلِيمَانَ الْأَنْبَارِيُّ وَالْحَسَنُ بْنُ عَلِيٍّ الْمَعْنَى، قَالَا: حَدَّثَنَا ابْنُ نُمَيْرٍ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: ذَهَبَ فَرَسٌ لَهُ فَأَخَذَهَا الْعَدُوُّ فَظَهَرَ عَلَيْهِمُ الْمُسْلِمُونَ فَرَدَّ عَلَيْهِ فِي زَمَنِ

Messenger of Allāh ﷺ; and a male slave of his ran away and joined the territory of the Romans. The Muslims were victorious over them and Khālīd bin Al-Walīd returned him to him after the Prophet ﷺ.

رَسُولِ اللَّهِ ﷺ، وَأَبْنَى عَبْدٌ لَهُ فَلَحِقَ بِأَرْضِ
الرُّومِ فَظَهَرَ عَلَيْهِمُ الْمُسْلِمُونَ فَزَدَهُ عَلَيْهِ خَالِدُ
ابْنُ الْوَلِيدِ بَعْدَ النَّبِيِّ ﷺ.

تخريج: [صحيح] أخرجه ابن ماجه، الجهاد، باب ما أحرز العدو ثم ظهر عليه المسلمون،
ح: ٢٨٤٧ من حديث ابن نمير به، وعلقه البخاري، ح: ٣٠٦٧.

Chapter 126. Regarding Slaves Of The Idolaters Who Join The Muslims And Accept Islam

(المعجم ١٢٦) بَابُ: فِي عِبْدِ
الْمُشْرِكِينَ يُلْحَقُونَ بِالْمُسْلِمِينَ
فَيُسْلِمُونَ (التحفة ١٣٦)

2700. It was reported from Ribī bin Hīrāsh, from ‘Alī bin Abī Tālib who said: “Some slaves went to the Messenger of Allāh ﷺ on the Day of Al-Ḥudaibiyyah before the treaty, so their masters wrote to the Prophet ﷺ and said: ‘O Muḥammad! By Allāh! They did not come to you hoping for your religion, but they have gone to you running away from slavery.’ So some people said: ‘They are saying the truth, O Messenger of Allāh! Return them back to them.’ The Messenger of Allāh ﷺ got angry and said: ‘I do not see you people desisting O people of Quraish! Until Allāh sends those over you who will strike your neck because of this’ and he refused to send them back, and he said: ‘They are emancipated (slaves) of Allāh, the Mighty and Sublime.’” (Da‘īf)

٢٧٠٠ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ يَحْيَى
الْحَرَّائِيُّ قَالَ: حَدَّثَنِي مُحَمَّدٌ يَعْنِي ابْنَ سَلَمَةَ
عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ أَبَانَ بْنِ صَالِحٍ،
عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ، عَنْ رَبِيعِ بْنِ
جَرَّاشٍ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: «خَرَجَ
عُبْدَانٌ إِلَى رَسُولِ اللَّهِ ﷺ يَوْمَ الْحُدَيْبِيَّةِ
قَبْلَ الصُّلْحِ، فَكَتَبَ إِلَيْهِ مَوَالِيَهُمْ، فَقَالُوا:
يَا مُحَمَّدُ! وَاللَّهِ! مَا خَرَجُوا إِلَيْكَ رَغْبَةً فِي
دِينِكَ، وَإِنَّمَا خَرَجُوا هَرَبًا مِنَ الرُّقِّ، فَقَالَ
نَاسٌ: صَدَقُوا يَا رَسُولَ اللَّهِ! رَدَّهُمْ إِلَيْهِمْ،
فَغَضِبَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «مَا أَرَأَيْكُمْ
تَنْتَهُونَ يَامَعْشَرَ قُرَيْشٍ! حَتَّى يَنْبَعَثَ اللَّهُ عَلَيْكُمْ
مَنْ يَضْرِبُ رِقَابَكُمْ عَلَى هَذَا» وَأَبَى أَنْ يَرُدَّهُمْ
وَقَالَ: «هُمْ عِتْقَاءُ اللَّهِ عَزَّوَجَلَّ».

تخريج: [إسناده ضعيف] أخرجه الحاكم: ١٢٥/٢ من حديث عبدالعزيز بن يحيى به،
وصححه على شرط مسلم، ووافقه الذهبي، ورواه الترمذي، ح: ٣٧١٥ من حديث شريك القاضي
عن منصور به، وقال: "حسن صحيح غريب" محمد بن إسحاق وشريك القاضي مدلسان وعنعنا.

Chapter 127. Permitting Food In The Land Of The Enemy

(المعجم ١٢٧) بَابُ: فِي إِبَاحَةِ الطَّعَامِ
بِأَرْضِ الْعَدُوِّ (التحفة ١٣٧)

2701. It was reported from Ibn ‘Umar, that during the time of the Messenger of Allāh ﷺ, an army acquired some food and honey in spoils; the *Khumus* was not taken from it. (*Sahih*)

٢٧٠١ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ حَمْرَةَ الزُّبَيْرِيُّ: حَدَّثَنَا أَنَسُ بْنُ عِيَاضٍ عَنْ عُبَيْدِ اللَّهِ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ جَيْشَنَا غَنِمُوا فِي زَمَانِ رَسُولِ اللَّهِ ﷺ طَعَامًا وَعَسَلًا فَلَمْ يُؤْخَذْ مِنْهُمْ الْخُمْسُ.

تخريج: [إسناده صحيح] أخرجه الطبراني في الكبير: ٣٦٩/١٢، ٣٧٠، ح: ١٣٣٧٢ والبيهقي: ٥٩/٩ من إبراهيم بن حمزة به وصححه ابن حبان، ح: ١٦٧٠ ورواه البخاري، ح: ٣١٥٤ من حديث نافع به.

2702. It was reported from ‘Abdullāh bin Mughaffal who said: “A skin-full of fat was thrown away on the day of Khaibar. I came to it and clung to it, and then said: ‘I will not give anyone anything from this today.’ When I turned around, I saw the Messenger of Allāh ﷺ smiling at me.” (*Sahih*)

٢٧٠٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ وَالْقَعْنَبِيُّ قَالَا: حَدَّثَنَا سُلَيْمَانُ بْنُ حُمَيْدٍ يَغْنِي ابْنُ هِلَالٍ، عَنْ عَبْدِ اللَّهِ بْنِ مُعْقَلٍ قَالَ: دَلَّنِي جِرَابٌ مِنْ شَحْمِ يَوْمِ خَيْبَرَ قَالَ: فَأَتَيْتُهُ فَأَلْتَرْتُهُ قَالَ: ثُمَّ قُلْتُ: لَا أُعْطِي مِنْ هَذَا أَحَدًا الْيَوْمَ شَيْئًا قَالَ: فَأَلْتَفْتُ فَإِذَا رَسُولُ اللَّهِ ﷺ يَتَبَسَّمُ إِلَيَّ.

تخريج: أخرجه مسلم، الجهاد والسير، باب جواز الأكل من طعام الغنيمة في دار الحرب، ح: ١٧٧٢ من حديث سليمان بن حميد، والبخاري، فرض الخمس، باب ما يصيب من الطعام في أرض الحرب، ح: ٣١٥٣ من حديث حميد بن هلال به.

Chapter 128. Regarding The Prohibition of Plundering When Food Is Scarce In The Land of the Enemy

(المعجم ١٢٨) بَابُ: فِي النَّهْيِ عَنِ
النُّهْبَى إِذَا كَانَ فِي الطَّعَامِ قَلَّةٌ فِي
أَرْضِ الْعَدُوِّ (التحفة ١٣٨)

2703. It was reported from Abū Labīd who said: “We were with ‘Abdur-Rahmān bin Samurah in Kābul. The people acquired spoils and began plundering through it.

٢٧٠٣ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا جَرِيرٌ يَغْنِي ابْنَ حَارِثٍ، عَنْ يَعْلَى بْنِ حَكِيمٍ، عَنْ أَبِي لَبِيدٍ قَالَ: كُنَّا مَعَ عَبْدِ الرَّحْمَنِ بْنِ

He stood up and addressed the people: 'I heard the Messenger of Allāh ﷺ prohibit plundering.' So they returned whatever they had taken, and he distributed it among them." (*Ṣaḥīḥ*)

سَمَرَةَ بِكَأْبِلٍ فَأَصَابَ النَّاسَ غَيْمَةٌ فَأَتَتْهُوَهَا،
فَقَامَ خَطِيئًا فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ
يَنْهَى عَنِ النَّهْيِ، فَرَدُّوْا مَا أَخَذُوا فَقَسَمَهُ
بَيْنَهُمْ.

تخريج: [صحيح] أخرجه أحمد: ٦٢/٥، ٦٣ من حديث جرير بن حازم به وللحديث شواهد.

2704. It was reported from Muḥammad bin Abī Mujālid, from ‘Abdullāh Ibn Abī Awfā, he (Ibn Abī Mujālid) said: “I said: ‘Were you people setting aside one-fifth of the spoils, meaning the food, during the time of the Messenger of Allāh ﷺ? He replied: ‘We got some food on the Day of Khaibar. A man would come and take the amount he needed from it, and go away.’” (*Ṣaḥīḥ*)

٢٧٠٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُعَلَاءِ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا أَبُو إِسْحَاقَ الشَّيْبَانِيُّ عَنْ مُحَمَّدِ بْنِ أَبِي مُجَالِيدٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى قَالَ: قُلْتُ: هَلْ كُنْتُمْ تَخْمِسُونَ يَغْنَى الطَّعَامَ، فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فَقَالَ: أَصَبْنَا طَعَامًا يَوْمَ خَيْبَرَ فَكَانَ الرَّجُلُ يَجِيءُ فَيَأْخُذُ مِنْهُ وَقَدَارَ مَا يَكْفِيهِ ثُمَّ يَنْصَرِفُ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٣٥٤/٤ من حديث أبي إسحاق الشيباني به، وصححه ابن الجارود، ح: ١٠٧٢ والحاكم على شرط البخاري: ١٢٦/٢ ووافقه الذهبي.

2705. It was reported from ‘Āsim, meaning Ibn Kulaib, from his father, from a man among the *Anṣār*: “We went out on a journey with the Messenger of Allāh ﷺ. The people endured extreme hardship and struggled. They acquired some spoils which they plundered. While our pots were boiling, the Messenger of Allāh ﷺ came with his bow touching the ground. He turned down our pots over with his bow, and started to smear the meat with dust, and then said: ‘Plundering is not more lawful than *Maitah*,’ or he said: ‘*Maitah* is

٢٧٠٥ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا أَبُو الْأَحْوَصِ عَنْ عَاصِمٍ يَعْنِي ابْنَ كُلَيْبٍ، عَنْ أَبِيهِ، عَنْ رَجُلٍ مِنَ الْأَنْصَارِ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي سَفَرٍ فَأَصَابَ النَّاسَ حَاجَةٌ شَدِيدَةٌ وَجَهِدُوا وَأَصَابُوا غَنَمًا فَأَتَتْهُوَهَا، فَإِنَّ قُدُورَنَا لَتَغْلِي إِذْ جَاءَ رَسُولُ اللَّهِ ﷺ يَمْشِي عَلَى قَوْسِهِ فَأَكْمَأَ قُدُورَنَا بِقَوْسِهِ ثُمَّ جَعَلَ يُرْمِلُ اللَّحْمَ بِالتُّرَابِ ثُمَّ قَالَ: «إِنَّ النَّهْيَةَ لَيْسَتْ بِأَحَلَّ مِنَ الْمَيْتَةِ» أَوْ «إِنَّ الْمَيْتَةَ لَيْسَتْ بِأَحَلَّ مِنَ النَّهْيَةِ» الشُّكُّ مِنْ هَنَادٍ.

not more lawful than plundering.”

The doubt is from Hannād (one of the narrators). (*Ṣaḥīh*)

تخريج: [إسناده صحيح] أخرجه البيهقي: ٦١/٩ من حديث أبي داود به.

Chapter 129. Regarding Carrying Food Out Of The Land Of The Enemy

2706. It was reported from Al-Qāsim, the freed slave of ‘Abdur-Raḥmān, from some of the Companions of the Prophet ﷺ, he said: “We would eat from the *Jazr* during an expedition, and would not divide it until we were ready to come back to our dwellings. Then we would fill our saddlebags with it.” (*Da‘īf*)

تخريج: [إسناده ضعيف] وهو في سنن سعيد بن منصور، ح: ٢٧٣٩ * ابن حشف: مجهول (تقريب).

Chapter 130. Regarding Selling Food When There Is A Surplus For The People In The Land Of The Enemy

2707. It was reported from ‘Abdur-Raḥmān bin Ghanm, who said: “We were stationed in the frontiers of the city of Qinnasrīn with Shurāḥbīl bin As-Simṭ. When he conquered it, he acquired sheep and cows from it. He distributed a group of them among us, and placed the rest in the spoils. Then I met Mu‘ādh bin Jabal and told him about that. He said: ‘We fought along with the Messenger of Allāh ﷺ at Khaibar and we got sheep

(المعجم ١٢٩) بَابُ: فِي حَمْلِ الطَّعَامِ مِنْ أَرْضِ الْعَدُوِّ (التحفة ١٣٩)

٢٧٠٦ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ الْحَارِثِ أَنَّ ابْنَ حَرْشَفٍ الْأَزْدِيَّ حَدَّثَهُ عَنِ الْقَاسِمِ مَوْلَى عَبْدِ الرَّحْمَنِ، عَنْ بَعْضِ أَصْحَابِ النَّبِيِّ ﷺ قَالَ: كُنَّا نَأْكُلُ الْجَزَرَ فِي الْغَزْوِ وَلَا نَقْسِمُهُ حَتَّىٰ إِنْ كُنَّا لَنَرْجِعُ إِلَى رِحَالِنَا وَأَخْرَجْتَنَا مِنْهُ مُمْلَأَةً.

(المعجم ١٣٠) بَابُ: فِي بَيْعِ الطَّعَامِ إِذَا فَضَّلَ عَنِ النَّاسِ فِي أَرْضِ الْعَدُوِّ (التحفة ١٤٠)

٢٧٠٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُصَفَّى: حَدَّثَنَا مُحَمَّدُ بْنُ الْمُبَارَكِ عَنْ يَحْيَى بْنِ حَمْرَةَ: حَدَّثَنَا أَبُو عَبْدِ الْعَزِيزِ - شَيْخٌ مِنْ أَهْلِ الْأَزْدِ - عَنْ عُبَادَةَ بْنِ نُسَيْبٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ غَنَمٍ قَالَ: رَافِطُنَا مَدِينَةَ قَنْسَرِينَ مَعَ شُرَحْبِيلَ بْنِ السَّمْطِ، فَلَمَّا فَتَحَهَا أَصَابَ فِيهَا غَنَمًا وَبَقَرًا، فَقَسَمَ فِيْنَا طَائِفَةً مِنْهَا وَجَعَلَ بَقِيَّتَهَا فِي الْمَغَنَمِ، فَلَقِيتُ مُعَاذَ ابْنَ جَبَلٍ فَحَدَّثَنِي، فَقَالَ مُعَاذٌ: غَزَوْنَا مَعَ

from it. The Messenger of Allāh ﷺ distributed a group of them among us and placed the rest of them in the spoils.” (Hasan)

رَسُولُ اللَّهِ ﷺ خَبَّرَ فَأَصَبْنَا فِيهَا عَنَمًا، فَقَسَمَ
فِينَا رَسُولُ اللَّهِ ﷺ طَائِفَةً وَجَعَلَ بَقِيَّتَهَا فِي
الْمَغْنَمِ.

تخريج: [إسناده حسن] وأخرجه البيهقي: ٦٠/٩ من حديث أبي داود به.

Chapter 131. Regarding A Man Benefits From Something In The Spoils

2708. It was reported from Ruwaifi' bin Thābit Al-Anṣārī that the Prophet ﷺ said: “Whoever believes in Allāh and in the Last Day, then he does not ride any animal among the group of the Muslims, and when he emaciates it, he returns it back. And whoever believes in Allāh and in the Last Day, then he does not wear any garment from among the group of the Muslims, and when he wears it out he puts it back.” (Hasan)

(المعجم ١٣١) بَابُ: فِي الرَّجُلِ يَنْتَفِعُ
مِنَ الْغَنِيمَةِ بِشَيْءٍ (التحفة ١٤١)

٢٧٠٨ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ وَعُثْمَانُ
ابْنُ أَبِي شَيْبَةَ الْمَعْنَى، - قَالَ أَبُو دَاوُدَ: وَأَنَا
لِحَدِيثِهِ أَتَقْنُ - قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ
مُحَمَّدَ بْنِ إِسْحَاقَ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ،
عَنْ أَبِي مَرْزُوقٍ مَوْلَى تُجِيبٍ، عَنْ حَشَى
الصَّنْعَانِيِّ، عَنْ رُوَيْفِعِ بْنِ ثَابِتِ الْأَنْصَارِيِّ
أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ كَانَ يُؤْمِنُ بِاللَّهِ
وَالْيَوْمِ الْآخِرِ فَلَا يَرْكَبُ دَابَّةً مِنْ فِيءِ
الْمُسْلِمِينَ حَتَّى إِذَا أَعْجَفَهَا رَدَّهَا فِيهِ، وَمَنْ
كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الْآخِرِ فَلَا يَلْبَسُ ثَوْبًا
مِنْ فِيءِ الْمُسْلِمِينَ حَتَّى إِذَا أَخْلَقَهُ رَدَّهُ فِيهِ».

تخريج: [حسن] تقدم طرفه، ح: ٢١٥٨، ٢١٥٩ وأخرجه أحمد: ١٠٨/٤ والدارمي،
ح: ٢٤٨٠، ٢٤٩١ من حديث محمد بن إسحاق به، وهو في سنن سعيد بن منصور، ح: ٢٧٢٢.

Chapter 132. Regarding The Permissibility Of Using The Weapons That Have Been Used For Fighting In The Battlefield

2709. It was reported from Abū 'Ubaidah, from his father who said: “I was passing by when I saw Abū Jahl laying down, as his leg had been struck. I said: ‘O enemy of

(المعجم ١٣٢) بَابُ: فِي الرُّخْصَةِ فِي
السَّلَاحِ يُقَاتَلُ بِهِ فِي الْمَعْرَكَةِ
(التحفة ١٤٢)

٢٧٠٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ:
أَخْبَرَنَا إِبْرَاهِيمُ يَعْنِي ابْنَ يُوسُفَ، قَالَ أَبُو
دَاوُدَ: هُوَ إِبْرَاهِيمُ بْنُ يُوسُفَ بْنِ إِسْحَاقَ بْنِ

Allāh! O Abū Jahl! Allāh has disgraced the disgraced one.' I was not afraid of him at that time. He said: 'Is there a man better than one who has been killed by his own people?' So I struck him with a blunt sword, but it was of no use. When his sword fell down, I struck him with it until he died." (*Da'if*)

أَبِي إِسْحَاقَ السَّيِّعِيُّ عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقَ السَّيِّعِيِّ قَالَ: حَدَّثَنِي أَبُو عُبَيْدَةَ عَنْ أَبِيهِ قَالَ: مَرَرْتُ فَإِذَا أَبُو جَهْلٍ صَرِيحٌ قَدْ ضَرَبْتُ رِجْلُهُ فَقُلْتُ: يَا عَدُوَّ اللَّهِ! يَا أَبَا جَهْلٍ! قَدْ أَخَذَنِي اللَّهُ الْأَخِيرَ - قَالَ: وَلَا أَهَابُهُ عِنْدَ ذَلِكَ - فَقَالَ: أَبْعُدْ مِنْ رَجُلٍ قَتَلَهُ قَوْمُهُ، فَضَرَبْتُهُ بِسَيْفٍ غَيْرِ طَائِلٍ، فَلَمْ يُغْنِ شَيْئًا حَتَّى سَقَطَ سَيْفُهُ مِنْ يَدِهِ فَضَرَبْتُهُ بِهِ حَتَّى بَرَدَ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٠٣/١ والنسائي في الكبرى، ح: ٨٦٧٠ من حديث السبيعي به وللحديث شواهد عند البخاري، ح: ٣٩٦١-٣٩٦٣ ومسلم، ح: ١٨٠٠ والنسائي في الكبرى، ح: ٦٠٠٤ وغيرهم * أبو إسحاق السبيعي عن حديث البخاري يغني عنه.

Comments:

'Abdullāh bin Mas'ūd, may Allāh be pleased with him, killed Abū Jahl by the very sword snatched from him. He made use of the sword before the distribution of the spoils of war. A detailed account of Abū Jahl's killing preceded, see no. 2680.

Chapter 133. Regarding The Gravity Of *Ghulūl*

(المعجم ١٣٣) بَابُ: فِي تَعْظِيمِ الْغُلُولِ
(التحفة ١٤٣)

2710. It was reported from Zaid bin Khālīd Al-Juhanī that a man from the Companions of the Prophet ﷺ died on the Day of Khaibar. They mentioned it to the Messenger of Allāh ﷺ. He said: "Offer (funeral) prayers for Your companion." When the faces of the people looked perplexed, he said: "Your companion misappropriated spoils in the cause of Allāh," so we looked in his belongings and found in it some pearls belonging to Jews, not worth even two *Dirham*. (*Hasan*)

٢٧١٠ - حَدَّثَنَا مُسَدَّدٌ أَنَّ يَحْيَى بْنَ سَعِيدٍ وَبِشْرَ بْنَ الْمُفَضَّلِ حَدَّثَاهُمَا عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حَبَّانَ، عَنْ أَبِي عَمْرَةَ، عَنْ زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ: أَنَّ رَجُلًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ تُوْفِيَ يَوْمَ خَيْبَرَ، فَذَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَقَالَ: «صَلُّوا عَلَى صَاحِبِكُمْ» فَتَغَيَّرَتْ وُجُوهُ النَّاسِ لِذَلِكَ، فَقَالَ: «إِنَّ صَاحِبَكُمْ غَلَّ فِي سَبِيلِ اللَّهِ»، فَتَشَّسْنَا مَتَاعَهُ فَوَجَدْنَا [فيه] خَرَزًا مِنْ خَرَزِ يَهُودَ لَا يُسَاوِي دِرْهَمَيْنِ.

تخريج: [إسناده حسن] أخرجه النسائي، الجنائز، باب الصلاة على من غسل، ح: ١٩٦١

وابن ماجه، ح: ٢٨٤٨ من حديث يحيى القطان به، وصححه ابن الجارود، ح: ١٠٨١ وابن حبان (الإحسان): ٤٨٣٣ والحاكم على شرط الشيخين: ١٢٧/٢ ووافقه الذهبي * أبو عمرة الأنصاري، لا ينزل حديثه عن درجة الحسن.

2711. Abū Hurairah said: "We went out along with the Messenger of Allāh ﷺ in the Year of Khaibar. We did not acquire gold or silver in the spoils, but clothes, equipment and property. The Messenger of Allāh ﷺ went towards the valley of Al-Qurā. The Messenger of Allāh ﷺ was presented a black slave called Mid'am. While they were in the valley of Al-Qurā, and Mid'am was unsaddling the animal of the Messenger of Allāh ﷺ, he was struck by an arrow which killed him. The people said: 'Congratulations for him, he will go to Paradise.' But the Messenger of Allāh ﷺ said: 'Not at all, by Him in whose Hand my soul is! The cloak which he had taken on the Day of Khaibar, which was not distributed among the spoils, will ablaze with fire upon him.' When they heard this, a man came with one or two sandal straps to the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ said: 'A sandal strap of fire,' or he said: 'Two sandal straps of the fire.'"

(*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، الأيمان والنذور، باب: هل يدخل في الأيمان والنذور الأرض والغنم والزرع والأمتعة؟، ح: ٦٧٠٧ ومسلم، الإيمان، باب غلظ تحريم الغلول وأنه لا يدخل الجنة إلا المؤمنون، ح: ١١٥ من حديث مالك به وهو في الموطأ (يحيى): ٤٥٩/٢.

٢٧١١ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ ثَوْرِ بْنِ زَيْدٍ الدَّيْلِيِّ، عَنْ أَبِي الْغَيْثِ - مَوْلَى ابْنِ مُطِيعٍ -، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ عَامَ خَيْبَرَ فَلَمْ نَغْنَمْ ذَهَبًا وَلَا وَرَقًا إِلَّا الثِّيَابَ وَالْمَتَاعَ وَالْأَمْوَالَ. قَالَ: فَوَجَّهَ رَسُولُ اللَّهِ ﷺ نَحْوَ وَادِي الْقُرَى - وَقَدْ أُهْدِيَ لِرَسُولِ اللَّهِ ﷺ عَبْدٌ أَسْوَدُ يُقَالُ لَهُ: مِدْعَمٌ - حَتَّى إِذَا كَانُوا بِوَادِي الْقُرَى، فَبَيْنَمَا مِدْعَمٌ يَحْطُ رَحْلَ رَسُولِ اللَّهِ ﷺ إِذْ جَاءَهُ سَهْمٌ فَقَتَلَهُ، فَقَالَ النَّاسُ: هَنِيئًا لَهُ الْجَنَّةُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «كَلَّا وَالَّذِي نَفْسِي بِيَدِهِ! إِنَّ السَّمْلَةَ الَّتِي أَخَذَهَا يَوْمَ خَيْبَرَ مِنَ الْمَغَانِمِ لَمْ تُصِبْهَا الْمَقَاسِمُ لَتَشْتَعِلَ عَلَيْهِ نَارًا»، فَلَمَّا سَمِعُوا ذَلِكَ جَاءَ رَجُلٌ بِشِرَاكِ أَوْ شِرَاكَيْنِ إِلَى رَسُولِ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «شِرَاكِ مِنْ نَارٍ»، أَوْ قَالَ: «شِرَاكَانِ مِنْ نَارٍ».

Chapter 134. Regarding The Imām Leaving The *Ghulūl* When It Is Minimal, And Not Burning The Equipment

2712. It was reported from ‘Abdullāh bin ‘Amr who said: “When the Messenger of Allāh ﷺ acquired some spoils of war, he would order Bilāl to make a public announcement. So he announced to the people to bring the spoils, and he took the *Khumu* and the rest was distributed. A man came after that with a camel halter of hair and said: ‘O Messenger of Allāh! This is part of what we had gained as spoils.’ He said: ‘Did you hear Bilāl’s announcement?’ (He said this) Three times. He said: ‘Yes.’ He said: ‘What prevented you from bringing it (then)?’ He made some excuses. He said: ‘You may bring it on the Day of Judgment, for I shall not accept it from you.’” (*Hasan*)

تخريج: [إسناده حسن] أخرجه البيهقي: ١٠٢/٩ من حديث محبوب بن موسى، وأحمد: ٢/٢١٣ من حديث عبد الله بن شاذب به.

Chapter 135. Regarding Punishing The One Who Commits *Ghulūl*

2713. It was reported from Sālih bin Muḥammad bin Zā'idah — Abū Dāwud said: This Ṣāliḥ is Abū Wāqid — who said. “I entered the territory of the Romans with Maslamah. A man who had committed *Ghulūl* was brought to him. He asked Sālim about him. He (Sālim) said: ‘I heard my father

(المعجم ١٣٤) بَابُ: فِي الْغُلُولِ إِذَا كَانَ يَسِيرًا يَتْرُكُهُ الْإِمَامُ وَلَا يُحْرَقُ رَحْلُهُ (التحفة ١٤٤)

٢٧١٢ - حَدَّثَنَا أَبُو صَالِحٍ مَحْبُوبٌ بْنُ مُوسَى قَالَ: أَخْبَرَنَا أَبُو إِسْحَاقَ الْفَرَارِيُّ عَنْ عَبْدِ اللَّهِ بْنِ شَوْذَبٍ قَالَ: حَدَّثَنِي غَامِرٌ يَعْنِي ابْنَ عَبْدِ الْوَاحِدِ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا أَصَابَ غَنِيمَةً أَمَرَ بِلَالًا، فَتَادَى فِي النَّاسِ، فَيَجِئُونَ بِغَنَائِمِهِمْ فَيُخَمِّسُهُ وَيَقْسِمُهُ، فَجَاءَ رَجُلٌ بَعْدَ ذَلِكَ بِزِمَامٍ مِنْ شَعْرِ فَقَالَ: يَا رَسُولَ اللَّهِ! هَذَا فِيمَا كُنَّا أَصْبَاهُ مِنَ الْغَنِيمَةِ فَقَالَ: «أَسَمِعْتَ بِلَالًا يُنَادِي؟» ثَلَاثًا قَالَ: نَعَمْ. قَالَ: «وَمَا مَنَعَكَ أَنْ تَجِيءَ بِهِ؟» فَاعْتَدَرَ إِلَيْهِ فَقَالَ: «كُنْ أَنْتَ تَجِيءُ بِهِ يَوْمَ الْقِيَامَةِ فَلَنْ أَقْبَلَهُ عَنْكَ».

(المعجم ١٣٥) بَابُ: فِي عُقُوبَةِ الْغَالِ (التحفة ١٤٥)

٢٧١٣ - حَدَّثَنَا الثَّقَلِيُّ وَسَعِيدٌ بْنُ مَضُورٍ قَالَا: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ - قَالَ الثَّقَلِيُّ: الْأَنْدَرَاوَرْدِيُّ - عَنْ صَالِحِ بْنِ مُحَمَّدٍ بْنِ زَائِدَةَ. قَالَ أَبُو دَاوُدَ: وَصَالِحٌ هَذَا أَبُو وَاقِدٍ قَالَ: دَخَلْتُ مَعَ مَسْلَمَةَ أَرْضَ الرُّومِ فَأَتَيْتُ بَرَجْلٍ قَدْ غُلَّ فَسَأَلَ سَالِمًا عَنْهُ فَقَالَ:

narrating from ‘Umar bin Al-Khaṭṭāb that the Prophet ﷺ said: “If you find a man who committed *Ghulūl*, then burn his goods and beat him.” He said: “We found a *Mushaf* (a copy of the Qur’ān) among his belongings, so we asked Sālim about it. He said: ‘Sell it and give its price in charity.’” (*Da‘īf*)

تخريج: [إسناده ضعيف] أخرجه الترمذي، الحدود، باب ما جاء في الغال ما يصنع به، ح: ١٤٦١ من حديث عبدالعزيز الدراوردي به وقال: "غريب" وهو في سنن سعيد بن منصور، ح: ٢٧٢٩ * صالح بن محمد: ضعيف والحديث ضعفه البيهقي ١٠٣/٩ وغيره.

2714. It was reported from Sālih bin Muḥammad, who said: “We went on an expedition with Al-Walid bin Hishām, in the company of Sālim bin ‘Abdullāh bin ‘Umar and ‘Umar bin ‘Abdul-Azīz. A man (among us) committed *Ghulūl*. Al-Walid ordered his goods to be burnt, and he was paraded around (the people) and his share of the spoils was not given to him.” (*Da‘īf*)

Abū Dāwūd said: This is the more correct of the two *Aḥādīth*. More than one (narrator) reported that Al-Walid bin Hishām burnt the camel-saddle of Ziyād bin Sa’d, and that he had committed *Ghulūl*, and that he beat him.

تخريج: [إسناده ضعيف] انظر الحديث السابق وأخرجه البيهقي ١٠٣/٩ من حديث أبي

داود به.

2715. It was reported from Al-Walid bin Muslim (who said): “Zuhair bin Muḥammad narrated to us, from ‘Amr bin Shua‘ib, from his father, from his grandfather, that the Messenger of Allāh ﷺ,

سَمِعْتُ أَبِي يُحَدِّثُ عَنْ عُمَرَ بْنِ الْخَطَّابِ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا وَجَدْتُمْ الرَّجُلَ قَدْ غَلَّ فَأَحْرِقُوا مَتَاعَهُ وَاضْرِبُوهُ». قَالَ: فَوَجَدْنَا فِي مَتَاعِهِ مُصْحَفًا، فَسَأَلَ سَالِمًا عَنْهُ؟ فَقَالَ: بَعَثَهُ وَنَصَدَّقَ بِثَمَنِهِ.

٢٧١٤ - حَدَّثَنَا أَبُو صَالِحٍ مَحْبُوبٌ بْنُ مُوسَى الْأَنْطَاكِيُّ قَالَ: أَخْبَرَنَا أَبُو إِسْحَاقَ عَنْ صَالِحِ بْنِ مُحَمَّدٍ قَالَ: غَزَوْنَا مَعَ الْوَلِيدِ ابْنِ هِشَامٍ وَمَعَنَا سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ فَعَلَّ رَجُلٌ [مِنَّا] مَتَاعًا فَأَمَرَ الْوَلِيدُ بِمَتَاعِهِ فَأَحْرَقَ وَطِيفَ بِهِ وَلَمْ يُعْطِهِ سَهْمُهُ.

قَالَ أَبُو دَاوُدَ: هَذَا أَصَحُّ الْحَدِيثَيْنِ رَوَاهُ غَيْرٌ وَاحِدٌ أَنَّ الْوَلِيدَ بْنَ هِشَامٍ أَحْرَقَ رَحْلَ زِيَادِ بْنِ سَعْدٍ وَكَانَ قَدْ غَلَّ وَضَرَبَهُ.

٢٧١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَوْفٍ: حَدَّثَنَا مُوسَى بْنُ أَيُّوبَ قَالَ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ: حَدَّثَنَا زُهَيْرُ بْنُ مُحَمَّدٍ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَسُولَ اللَّهِ

Abū Bakr and ‘Umar burnt the goods of one who committed *Ghulūl*, and beat him.” (*Da‘īf*)

Abū Dāwud said: ‘Alī bin Baḥr added (in his narration) from Al-Walīd — and I did not hear it from him — “and they denied his share.”

Abū Dāwud said: Al-Walīd bin ‘Utbah and ‘Abdul-Wahhāb bin Najdah narrated it to us, they said: “Al-Walīd narrated to us from Zuhair bin Muḥammad, from ‘Amr bin Shua‘ib as his saying, and ‘Abdul-Wahhāb bin Najdah Al-Hawṭī did not mention that his share was denied.

وَضَرَبُوهُ. وَأَبَا بَكْرٍ وَعُمَرَ حَرَقُوا مَتَاعَ الْغَالِّ

قَالَ أَبُو دَاوُدَ: وَرَدَّ فِيهِ عَلِيٌّ بْنُ بَحْرٍ عَنِ الْوَلِيدِ - وَلَمْ أَسْمَعْهُ مِنْهُ - وَمَنْعُوهُ سَهْمَهُ.

قَالَ أَبُو دَاوُدَ: وَحَدَّثَنَا بِهِ الْوَلِيدُ بْنُ عُتْبَةَ وَعَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ قَالَا: حَدَّثَنَا الْوَلِيدُ عَنْ زُهَيْرِ بْنِ مُحَمَّدٍ، عَنْ عَمْرِو بْنِ شُعَيْبٍ قَوْلَهُ وَلَمْ يَذْكُرْ عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ الْحَوْطِيُّ: مَنْعَ سَهْمِهِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٠٢/٩ من حديث الوليد بن مسلم به * زهير بن محمد: صدوق روى عنه أهل الشام مناكير والوليد بن مسلم شامي.

Chapter (..) The Prohibition Of Harboring A Person Who Committed *Ghulūl*

(المعجم . . .) - بَابُ النَّهْيِ عَنِ الْمَسْتَرِ عَلَى مَنْ غَلَّ (التحفة ١٤٦)

2716. It was reported from Samurah bin Jundab who said: “To proceed: ‘And the Messenger of Allāh ﷺ used to say: Whoever harbors a person who committed *Ghulūl*, then he is like him.”^[1] (*Da‘īf*)

٢٧١٦ - حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ سُوْفْيَانَ: حَدَّثَنَا يَحْيَى بْنُ حَسَّانَ: حَدَّثَنَا سُلَيْمَانُ بْنُ مُوسَى أَبُو دَاوُدَ: حَدَّثَنَا جَعْفَرُ بْنُ سَعْدٍ بِنِ سَمُرَةَ بِنِ جُنْدُبٍ قَالَ: حَدَّثَنِي حُبَيْبُ بْنُ سُلَيْمَانَ عَنْ أَبِيهِ سُلَيْمَانَ بِنِ سَمُرَةَ، عَنْ سَمُرَةَ بِنِ جُنْدُبٍ قَالَ: أَمَّا بَعْدُ، وَكَانَ رَسُولُ اللَّهِ ﷺ يَقُولُ: «مَنْ كَتَمَ غَالًا فَإِنَّهُ مِثْلُهُ».

تخريج: [إسناده ضعيف] انظر، ح: ٩٧٥ لعلته.

[1] See no. 456, and 2787.

Chapter 136. Regarding The *Salab* (Spoils) Being Given To The Person Who Killed^[1]

2717. It was reported from Abū Qatādah that he said: "We went to in an expedition with the Messenger of Allāh ﷺ in the Year of Hunain. When the two armies met, the Muslims retreated. I saw a man from idolaters overcoming a man from the Muslims. I went around until I came to him from behind, and struck him with the sword on the vein between his neck and shoulder. He came towards me and grasped me so firmly that I smelt death. Then death overtook him, and he let me go. I caught up to 'Umar bin Al-Khaṭṭāb and said to him: 'What happened to the people?' He replied: 'It is what Allāh has decreed.' Then later on the people came back, and the Messenger of Allāh ﷺ sat down and said: 'Anyone who has killed a man and can prove it, he will have his spoils (*Salab*).' I stood up and said: 'Who will bear witness for me?' Then I sat down. He (the Prophet ﷺ) said it again: 'Anyone who has killed a man and can prove it, he will have his spoils (*Salab*).' I stood up and said: 'Who will bear witness for me?' Then I sat down. He (the Prophet ﷺ) said it for the third time. I stood up, so the Messenger of Allāh ﷺ said:

(المعجم ١٣٦) بَابُ: فِي السَّلْبِ يُعْطَى الْقَاتِلُ (التحفة ١٤٧)

٢٧١٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عُمَرَ بْنِ كَثِيرٍ بْنِ أَلْفَلَحٍ، عَنْ أَبِي مُحَمَّدٍ مَوْلَى أَبِي قَتَادَةَ، عَنْ أَبِي قَتَادَةَ أَنَّهُ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي عَامِ حُنَيْنٍ، فَلَمَّا التَقَيْنَا كَانَتْ لِلْمُسْلِمِينَ جَوْلَةٌ قَالَ: فَرَأَيْتُ رَجُلًا مِنَ الْمُشْرِكِينَ قَدْ عَلَا رَجُلًا مِنَ الْمُسْلِمِينَ قَالَ: فَاسْتَدْرَكْتُ لَهُ حَتَّى أَتَيْتُهُ مِنْ وَرَائِهِ فَضَرَبْتُهُ بِالسَّيْفِ عَلَى حَبْلِ عَاتِقِهِ، فَأَقْبَلَ عَلَيَّ فَضَمَمْتِي ضَمَّةً وَجَدْتُ مِنْهَا رِيحَ الْمَوْتِ ثُمَّ أَدْرَكْتُ الْمَوْتَ فَأَرْسَلَنِي فَلَجِجْتُ عُمَرَ بْنَ الْخَطَّابِ فَقُلْتُ لَهُ: مَا بَالُ النَّاسِ؟ قَالَ: أَمْرُ اللَّهِ، ثُمَّ إِنَّ النَّاسَ رَجَعُوا وَجَلَسَ رَسُولُ اللَّهِ ﷺ فَقَالَ: «مَنْ قَتَلَ قَتِيلًا لَهُ عَلَيْهِ بَيِّنَةٌ فَلَهُ سَلْبُهُ»، قَالَ: فَقُمْتُ: ثُمَّ قُلْتُ: مَنْ يَشْهَدُ لِي؟ ثُمَّ جَلَسْتُ ثُمَّ قَالَ [ذَلِكَ] الثَّانِيَةَ: «مَنْ قَتَلَ قَتِيلًا لَهُ عَلَيْهِ بَيِّنَةٌ فَلَهُ سَلْبُهُ». قَالَ: فَقُمْتُ ثُمَّ قُلْتُ: مَنْ يَشْهَدُ لِي؟ ثُمَّ جَلَسْتُ، ثُمَّ قَالَ ذَلِكَ الثَّلَاثَةَ، فَقُمْتُ فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا لَكَ يَا أَبَا قَتَادَةَ؟» فَاقْتَصَصْتُ عَلَيْهِ الْقِصَّةَ، فَقَالَ رَجُلٌ مِنَ الْقَوْمِ: صَدَقَ يَا رَسُولَ اللَّهِ! وَسَلَبَ ذَلِكَ الْقَتِيلَ عِنْدِي، فَأَرْضِيهِ مِنْهُ، فَقَالَ

[1] *Salab* refers to the goods that were with an enemy that one has killed. Some of these goods will be awarded to the one that fought and killed him, and they will not be considered *Ghanimah* or war spoils, divided among the troops. Scholars differ over the conditions for awarding *Salab*, as well as the items included in that.

‘What is the matter with you O Abū Qatādah!?’ So I related to him the whole story. A man from among the people said: ‘He is telling the truth O Messenger of Allāh! And the spoils (*Salab*) of that dead person are with me. Make him an offer so he will accept that.’ Abū Bakr Aṣ-Ṣiddīq said: ‘No, by Allāh! What you said will not be done. A lion from among the lions of Allāh who fights for the sake of Allāh and His Messenger, and you want him to give you his spoils (*Salab*)?’ The Messenger of Allāh ﷺ said: ‘He has said the truth. Hand it over to him.’” Abū Qatādah said: “He gave it to me. I sold the coat of mail, and bought a farm with (the proceeds) among Banū Salamah. It was the first wealth I acquired in Islam.” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، البيهقي، باب بيع السلاح في الفتنة وغيرها، ح: ٢١٠٠ عن القعنبي ومسلم، الجهاد والسير، باب استحقاق القاتل سلب القتيل، ح: ١٧٥١ من حديث مالك به وهو في الموطأ (يحيى): ٤٥٤/٢، ٤٥٥.

2718. It was reported from Anas bin Mālik, who said: “On that day” meaning on the Day of Ḥunain” the Messenger of Allāh ﷺ said: ‘Anyone who kills a disbeliever, he shall have his spoils (*Salab*).’

On that day, Abū Ṭalḥah killed twenty men and took their spoils. Abū Ṭalḥah met Umm Sulaim who had a dagger with her. He said: ‘O Umm Sulaim! What is this with you?’ She said: ‘By Allāh! I intended, that if anyone of them got near to me, to pierce their

أَبُو بَكْرٍ الصِّدِّيقُ: لَا هَا اللَّهُ إِذَا، يَعْمِدُ إِلَى أَسَدٍ مِنْ أَسَدِ اللَّهِ يُقَاتِلُ عَنْ اللَّهِ وَعَنْ رَسُولِهِ، فَيُعْطِيكَ سَلْبَهُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «صَدَقَ فَأَعْطَاهُ إِيَّاهُ»، فَقَالَ أَبُو قَتَادَةَ: فَأَعْطَانِيهِ فَبِعْتُ الدَّرْعَ، فَأَبْتَعْتُ بِهِ مَخْرَفًا فِي بَنِي سَلَمَةَ فَإِنَّهُ لَأَوَّلُ مَالٍ تَأْتَلَتْهُ فِي الْإِسْلَامِ.

٢٧١٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ إِسْحَاقَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي طَلْحَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ يَوْمَئِذٍ بِغَنِي يَوْمِ حُنَيْنٍ: «مَنْ قَتَلَ كَافِرًا فَلَهُ سَلْبُهُ». فَقَتَلَ أَبُو طَلْحَةَ يَوْمَئِذٍ عَشْرِينَ رَجُلًا وَأَخَذَ أَسْلَابَهُمْ، وَلَقِيَ أَبُو طَلْحَةَ أُمَّ سُلَيْمٍ وَمَعَهَا خَنْجَرٌ، فَقَالَ: يَا أُمَّ سُلَيْمِ! مَا هَذَا مَعَكَ؟ قَالَتْ: أَرَدْتُ وَاللَّهِ! أَنْ دَنَا مِنِّي بَعْضُهُمْ أَبْجَعَ بِهِ بَطْنَهُ فَأَخْبَرَ بِذَلِكَ

stomach with it.' Abū Ṭalḥah told this to the Messenger of Allāh ﷺ.

(*Ṣaḥīḥ*)

Abū Dāwud said: This *Ḥadīth* is *Ḥasan*.

Abū Dāwud said: We meant by this the dagger, because the weapon of the non-Arabs at that time was the dagger.

أَبُو طَلْحَةَ رَسُولَ اللَّهِ ﷺ قَالَ أَبُو دَاوُدَ: هَذَا حَدِيثٌ حَسَنٌ.

قَالَ أَبُو دَاوُدَ: أَرَدْنَا بِهَذَا الْخَنْجَرِ، فَكَانَ سِلَاحَ الْعَجَمِ يَوْمَئِذٍ الْخَنْجَرُ.

تخريج: أخرجه مسلم، الجهاد والسير، باب غزوة النساء مع الرجال، ح: ١٨٠٩ من حديث حماد بن سلمة به مختصراً.

Chapter 137. Regarding The *Imām* Denying The Spoils (*Salab* To The Person Who Killed, If He Sees Fit To, And The Horse And Weapon Are Part Of The Spoils (*Salab*))

2719. 'Awf bin Mālik Al-Ashja'ī said: "I went with Zaid bin Ḥārithah in the battle of Mu'tah. I was accompanied by a man from Yemen who was part of the reinforcements, and he only had a sword with him. A Muslim man slaughtered a camel. The man from the reinforcements asked him for some piece of its skin, so he gave it to him. He made it in the shape of a shield. We proceeded until we met the Roman army. Among them was a man on a reddish horse, with a golden saddle, who started fiercely attacking and killing the Muslims. The man from the reinforcements sat behind a rock lying in wait to attack him. When the Roman passed by him, he hamstrung his horse and it fell down. He overpowered him and killed him, and he took his horse

(المعجم ١٣٧) بَابُ: فِي الْإِمَامِ يَمْنَعُ الْقَاتِلَ السَّلْبَ إِنْ رَأَى وَالْفَرَسُ وَالسَّلَاحُ مِنَ السَّلْبِ (التحفة ١٤٨)

٢٧١٩ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ حَنْبَلٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ قَالَ: حَدَّثَنِي صَفْوَانُ بْنُ عَمْرٍو عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرِ بْنِ نَفِيرٍ، عَنْ أَبِيهِ، عَنْ عَوْفِ بْنِ مَالِكِ الْأَشْجَعِيِّ قَالَ: خَرَجْتُ مَعَ زَيْدِ بْنِ حَارِثَةَ فِي غَزْوَةِ مُؤْتَةَ وَرَافَقَنِي مَدَيْئِي مِنْ أَهْلِ الْيَمَنِ لَيْسَ مَعَهُ غَيْرُ سَيْفِهِ، فَتَحَرَ رَجُلٌ مِنَ الْمُسْلِمِينَ جُزُورًا فَسَأَلَهُ الْمَدَيْئِي طَائِفَةً مِنْ جِلْدِهِ فَأَعْطَاهُ إِيَّاهُ فَاتَّخَذَهُ كَهَيْئَةِ الدَّرَقِ وَمَضَيْنَا فَلَقِينَا جُمُوعَ الرُّومِ وَفِيهِمْ رَجُلٌ عَلَى فَرَسٍ لَهُ أَشْقَرٌ عَلَيْهِ سَرْجٌ مُذْهَبٌ وَسِلَاحٌ مُذْهَبٌ فَجَعَلَ الرُّومِيُّ يَفْرِي بِالْمُسْلِمِينَ فَقَعَدَ لَهُ الْمَدَيْئِيُّ خَلْفَ صَخْرَةٍ فَمَرَّ بِهِ الرُّومِيُّ فَعَرَقَ فَرَسَهُ فَحَرَ وَعَلَاهُ فَقَتَلَهُ وَحَارَ فَرَسَهُ وَسِلَاحَهُ، فَلَمَّا فَتَحَ اللَّهُ عَزَّوَجَلَّ لِلْمُسْلِمِينَ

and weapons. When Allāh, the Mighty and Sublime, granted victory to the Muslims, Khālid bin Al-Walīd sent for him, and took his spoils (*Salab*).” ‘Awf said: “I went to Khālid and said to him: ‘O Khālid! Do you not know that the Messenger of Allāh ﷺ has decreed the spoils (*Salab*) be given to the one who kills?’ He said: ‘Yes indeed, but I thought it was too much for him.’ I said: ‘You should give it back to him, or else I will inform the Messenger of Allāh ﷺ about it.’ He refused to give it back to him. When we gathered with the Messenger of Allāh ﷺ, I told him the story of the man from the reinforcements, and what Khālid did. The Messenger of Allāh ﷺ said: ‘O Khālid! What made you do that?’ He said: ‘O Messenger of Allāh! I thought it was too much for him.’ The Messenger of Allāh ﷺ said: ‘O Khālid! Return to him what you took from him.’” ‘Awf said: “I said to him: ‘Take it O Khālid! Did I not deliver what I promised you.’ The Messenger of Allāh ﷺ said: ‘And what is that?’ I then informed him. The Messenger of Allāh ﷺ got angry, and said: ‘O Khālid! Do not return it back to him. Are you people not going to leave my commanders alone. You people take the best for yourself and leave him the worst.’” (*Ṣaḥīḥ*)

بَعَثَ إِلَيْهِ خَالِدُ بْنُ الْوَلِيدِ فَأَخَذَ مِنَ السَّلْبِ. قَالَ عَوْفٌ: فَأَتَيْتُهُ فَقُلْتُ: يَا خَالِدُ! أَمَا عَلِمْتَ أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى بِالسَّلْبِ لِلْقَاتِلِ؟ قَالَ: بَلَى وَلَكِنِّي اسْتَكْثَرْتُهُ. قُلْتُ: لَتَرُدَّنَّهُ إِلَيْهِ أَوْ لَأُعْرِفَنَّكَهَا عِنْدَ رَسُولِ اللَّهِ ﷺ فَأَبَى أَنْ يَرُدَّ عَلَيْهِ. قَالَ عَوْفٌ: فَاجْتَمَعْنَا عِنْدَ رَسُولِ اللَّهِ ﷺ فَقَصَصْتُ عَلَيْهِ قِصَّةَ الْمَدْدِيِّ وَمَا فَعَلَ خَالِدٌ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «يَا خَالِدُ! مَا حَمَلَكَ عَلَى مَا صَنَعْتَ؟» قَالَ: يَا رَسُولَ اللَّهِ! اسْتَكْثَرْتُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «يَا خَالِدُ! رُدَّ عَلَيْهِ مَا أَخَذْتَ مِنْهُ». قَالَ عَوْفٌ: فَقُلْتُ لَهُ: دُونَكَ يَا خَالِدُ! أَلَمْ أَفِ لَكَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَمَا ذَاكَ؟» قَالَ: فَأَخْبَرْتُهُ. قَالَ: فَغَضِبَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «يَا خَالِدُ! لَا تَرُدَّ عَلَيْهِ، هَلْ أَنْتُمْ تَارِكُونَ لِي أُمْرَانِي لَكُمْ صِفْوَةً أَمْرِهِمْ وَعَلَيْهِمْ كَدْرُهُ».

تخریج: أخرجه مسلم، الجهاد والسير، باب استحقات القاتل سلب القتيل، ح: ١٧٥٣ من حديث الوليد بن مسلم به، وهو في مسند أحمد: ٢٧/٦، ٢٨.

2720. (Another chain) from ‘Awf bin Mālīk Al-Ashja’ī, similarly.

٢٧٢٠ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ حَنْبَلٍ: حَدَّثَنَا الْوَلِيدُ قَالَ: سَأَلْتُ ثَوْرًا عَنْ هَذَا الْحَدِيثِ فَحَدَّثَنِي عَنْ خَالِدِ بْنِ مَعْدَانَ، عَنْ جُبَيْرِ بْنِ نُفَيْرٍ، عَنْ عَوْفِ بْنِ مَالِكٍ الْأَشْجَعِيِّ نَحْوَهُ.

تخريج: [صحيح] انظر الحديث السابق وأخرجه البيهقي: ٣١٠/٦ من حديث أبي داود به.

Comments:

A commander capable of exercising independent judgment has certain discretionary powers in matters of administration, and it is not proper that the people criticize him for each and everything he does.

Chapter 138. The Spoils (Salab) Are Not Be Subjected To The Khumus

(المعجم ١٣٨) بَابُ: فِي السَّلْبِ لَا يُخَمَّسُ (التحفة ١٤٩)

2721. It was reported from ‘Awf bin Mālīk Al-Ashja’ī and Khālīd bin Al-Walīd, that the Messenger of Allāh ﷺ ordered the spoils (Salab) to be given to the one who kills, and that it not be subjected the Khumus. (Hasan)

٢٧٢١ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ عَنْ صَفْوَانَ بْنِ عَمْرٍو، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرِ بْنِ نُفَيْرٍ، عَنْ أَبِيهِ، عَنْ عَوْفِ بْنِ مَالِكٍ الْأَشْجَعِيِّ وَخَالِدِ بْنِ الْوَلِيدِ: أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى بِالسَّلْبِ لِلْقَاتِلِ وَلَمْ يُخَمَّسِ السَّلْبُ.

تخريج: [حسن] أخرجه أحمد: ٩٠/٤ من طريق آخر عن صفوان بن عمرو به وهو في سنن سعيد بن منصور، ح: ٢٦٩٨.

Chapter 139. Whoever Finishes Off A Severely Wounded Person, He Is Granted Some Of His Spoils (Salab)

(المعجم ١٣٩) بَابُ: مَنْ أَجَارَ عَلَى جَرِيحٍ مُنْخَنِ يُنْقَلُ مِنْ سَلْبِهِ (التحفة ١٥٠)

2722. It was reported from ‘Abdullāh bin Mas‘ūd who said: “On the Day of Badr, the Messenger of Allāh ﷺ granted me Abū Jahl’s sword” as he (‘Abdullāh) had killed him. (Da‘if)

٢٧٢٢ - حَدَّثَنَا هَارُونُ بْنُ عَبَّادٍ الْأَرْدِيُّ: حَدَّثَنَا وَكِيعٌ عَنْ أَبِيهِ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي عُبَيْدَةَ، عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: نَقَلَنِي رَسُولُ اللَّهِ ﷺ يَوْمَ بَدْرٍ سَيْفَ أَبِي جَهْلٍ كَانَ قَتَلَهُ.

تخريج: [إسناده ضعيف] انظر، ح: ١٢٤٤ * أبو إسحاق عنن وأبو عبيدة عن أبيه منقطع كما تقدم: ٩٩٥.

Comments:

Injury to Abū Jahl was initially inflicted by Mu'ādh and Mu'awwadh (the sons of 'Afrā') and Mu'ādh bin 'Amr bin Jamūh. Then it was 'Abdullāh bin Mas'ūd who finished him off.

Chapter 140. Regarding Whoever Comes After The Spoils Of War Are Distributed, Then There Is No Share For Him

2723. It was reported from Az-Zuhri that 'Anbasah bin Sa'eed informed him, that he heard Abū Hurairah narrating to Sa'eed bin Al-'Ās, that the Messenger of Allāh ﷺ sent Abān bin Sa'eed bin Al-'Ās^[1] in an expedition from Al-Madīnah towards Najd. Abān bin Sa'eed and his companions came to the Messenger of Allāh ﷺ at Khaibar after it was conquered. The girths of their horses were made of palm-leaf fibers. Abān said: 'Give us a share (from the spoils) O Messenger of Allāh!' Abū Hurairah said: "Do not give them a share O Messenger of Allāh! Abān said: 'This is what you say, O you *Wābir*!^[2] You have come to us from the peak of *Dāl*!^[3] The Messenger of Allāh ﷺ said: 'Sit down O Abān!' The Messenger of Allāh ﷺ did not give them any share." (*Ṣaḥīḥ*)

(المعجم ١٤٠) بَابُ: فِيمَنْ جَاءَ بَعْدَ الْغَنِيمَةِ لَا سَهْمَ لَهُ (التحفة ١٥١)

٢٧٢٣ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عَيَّاشٍ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ الرُّبَيْدِيِّ، عَنِ الزُّهْرِيِّ أَنَّ عَنَسَةَ بِنَ سَعِيدٍ أَخْبَرَتْهُ أَنَّ سَمْعَ أَبَا هُرَيْرَةَ يُحَدِّثُ سَعِيدَ بْنَ الْعَاصِ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ أَبَانَ بْنَ سَعِيدِ بْنِ الْعَاصِ عَلَى سَرِيَّةٍ مِنَ الْمَدِينَةِ قَبْلَ نَجْدٍ، فَقَدِمَ أَبَانُ بْنُ سَعِيدٍ وَأَصْحَابُهُ عَلَى رَسُولِ اللَّهِ ﷺ بِخَيْبَرَ بَعْدَ أَنْ فَتَحَهَا. وَإِنَّ حُزْمَ خَيْلِهِمْ لَيْفٌ، فَقَالَ أَبَانُ: اقْسِمْ لَنَا يَا رَسُولَ اللَّهِ! فَقَالَ أَبُو هُرَيْرَةَ: فَقُلْتُ: لَا تَقْسِمُ لَهُمْ يَا رَسُولَ اللَّهِ! فَقَالَ أَبَانُ: أَنْتَ بِهَا يَا وَبْرُ تَحْدَرُ عَلَيْنَا مِنْ رَأْسِ ضَالٍ، فَقَالَ النَّبِيُّ ﷺ: «اجْلِسْ يَا أَبَانُ!» وَلَمْ يَقْسِمْ لَهُمْ رَسُولُ اللَّهِ ﷺ.

[1] This Abān is actually the uncle of the Sa'eed bin Al-'Ās whom Abū Hurairah narrated it to.

[2] A *Wābir* is a small rare hairy animal whose latin name is *hyrax*, while it is not classified as such, it resembles a rodent, similar to a guinea pig, or a rabbit.

[3] Some narrations of this *Ḥadīth* have the word *Ad-Dāl* and some have it *Ad-Da'n*. They differ over its meaning, it is either the name of a location or a mountain where Abū Hurairah's tribe is from, as some say, or it is an insult relating to the rustling of leaves of a lote-tree.

تخریج: [صحیح] انظر الحديث الآتي وأخرجه البيهقي: ٣٣٤/٦ من حديث أبي داود به، وهو في سنن سعيد بن منصور، ح: ٢٧٩٣ وعلقه البخاري، ح: ٤٢٣٨ * إسماعيل بن عياش صرح بالسماع وتابعه عبدالله بن سالم.

2724. It was reported from Az-Zuhri that he heard ‘Anbasah bin Sa’eed Al-Qurashī narrating from Abū Hurairah, who said: “I came to Al-Madīnah when the Messenger of Allāh ﷺ was in Khaibar, after he had conquered it. I asked him to give me a share from the spoils. A son of Sa’eed bin Al-Ās spoke and said: ‘Do not give him a share O Messenger of Allāh!’ I said: ‘This is the murderer of Ibn Qawqal.’ Sa’eed bin Al-Ās said: ‘Wonderful O *Wabr*, you have come down to us from the peak of *Dāl*, blaming me for killing a Muslim man whom Allāh, the Exalted, honored with (martyrdom) at my hands, and did not disgrace me by his hands.’” (*Ṣaḥīh*)

(Abū Dāwud said: They were about ten persons, six of them were killed and the rest of them came back).

٢٧٢٤ - حَدَّثَنَا حَامِدُ بْنُ يَحْيَى الْبَلْخِيُّ قَالَ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنَا الزُّهْرِيُّ وَسَأَلَهُ إِسْمَاعِيلُ بْنُ أُمَيَّةَ فَحَدَّثَنَا الزُّهْرِيُّ أَنَّهُ سَمِعَ عَبْسَةَ بْنَ سَعِيدٍ الْقُرَشِيَّ يُحَدِّثُ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَدِمْتُ الْمَدِينَةَ وَرَسُولُ اللَّهِ ﷺ بِخَيْبَرَ حِينَ افْتَتَحَهَا، فَسَأَلْتُهُ أَنْ يُسْهِمَ لِي، فَتَكَلَّمَ بَعْضُ وَلَدِ سَعِيدِ بْنِ الْعَاصِ، فَقَالَ: لَا تُسْهِمَ لَهُ يَا رَسُولَ اللَّهِ! قَالَ: فَقُلْتُ: هَذَا قَاتِلُ ابْنِ قَوْقَلٍ، فَقَالَ سَعِيدُ بْنُ الْعَاصِ: يَا عَجَبًا لَوَبَّرَ، قَدْ تَدَلَّى عَلَيْنَا مِنْ قُدُومِ ضَالٍ يُعَيِّرُنِي بِقَتْلِ امْرِئٍ مُسْلِمٍ أَكْرَمَهُ اللَّهُ تَعَالَى عَلَى يَدَيَّ وَلَمْ يُهَيِّ عَلَى يَدَيْهِ. [قال أبو داود: هؤلاء كانوا نحو عشرة فقتل منهم ستة ورجع من بقي].

تخریج: أخرجه البخاري، المغازي، باب غزوة خيبر، ح: ٤٢٣٧ من حديث سفیان بن عیینة به.

Comments:

Nu‘mān bin Qawqal of the *Anṣār*, was a Companion of the Prophet ﷺ. He was killed at the hands of Abān bin Sa’eed who only embraced Islam after the treaty of Al-Ḥudaibiyyah, and the battle of Khaibar took place after Al-Ḥudaibiyyah.

2725. It was reported from Abū Mūsā, who said: “We arrived just at the time when the Messenger of Allāh ﷺ had captured Khaibar. He gave us a share,” or he said: “he gave us something from it, and he did not allot anybody any share if

٢٧٢٥ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنَا بُرَيْدٌ عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: قَدِمْنَا فَوَافَقَنَا رَسُولُ اللَّهِ ﷺ حِينَ افْتَتَحَ خَيْبَرَ فَأَسْهِمَ لَنَا، أَوْ قَالَ:

he was not present at the time of the capture of Khaibar, giving only to those who were present with him. Except those who were in our ship; Ja'far and his companions, to whom he gave a share from the spoils.” (*Ṣaḥīḥ*)

فَأَعْطَانَا مِنْهَا، وَمَا قَسَمَ لِأَحَدٍ غَابَ عَنْ فَتْحِ خَيْبَرَ مِنْهَا شَيْئًا إِلَّا لِمَنْ شَهِدَ مَعَهُ إِلَّا أَصْحَابَ سَفِينَتِنَا، جَعْفَرٍ وَأَصْحَابِهِ، فَأَسْهَمَ لَهُمْ مَعَهُمْ.

تخريج: أخرجه البخاري، المغازي، باب غزوة خيبر، ح: ٤٢٣٣ ومسلم، فضائل الصحابة، باب: من فضائل جعفر بن أبي طالب وأسماء بنت عميس وأهل سفينتهم رضي الله عنهم، ح: ٢٥٠٢ من حديث بريد به.

2726. It was reported from Ibn ‘Umar who said: “The Messenger of Allāh ﷺ stood up” — meaning on the Day of Badr — and said: ‘Indeed ‘Uthmān has gone off for a matter for Allāh and His Messenger, and I am giving the pledge of allegiance on his behalf.’ The Messenger of Allāh ﷺ allotted him a share of the spoils and he did not allot any to anyone else who was absent.” (*Ḥasan*)

٢٧٢٦ - حَدَّثَنَا مَخْبُوبُ بْنُ مُوسَى أَبُو صَالِحٍ قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ الْفَزَارِيُّ عَنْ كُثَيْبِ بْنِ وَائِلٍ، عَنْ هَانِيءِ بْنِ قَيْسٍ، عَنْ حَبِيبِ بْنِ أَبِي مُلَيْكَةَ، عَنْ ابْنِ عُمَرَ قَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ قَامَ يَعْنِي يَوْمَ بَدْرٍ فَقَالَ: «إِنَّ عُثْمَانَ انْطَلَقَ فِي حَاجَةِ اللَّهِ وَحَاجَةِ رَسُولِهِ وَإِنِّي أُبَايِعُ لَهُ» فَضَرَبَ لَهُ رَسُولُ اللَّهِ ﷺ بِسَهْمٍ وَلَمْ يَضْرِبْ لِأَحَدٍ غَابَ غَيْرُهُ.

تخريج: [حسن] أخرجه المزي في تهذيب الكمال: ١٣٥/٤ من حديث الفزاري به مطولاً وهو في كتاب السير للفزاري: ٢٦٥ وله طريق آخر: صححه الحاكم: ٩٨/٣ ووافقه الذهبي وسنده حسن.

Comments:

On the occasion of the Battle of Badr, Ruqayyah, the daughter of the Prophet ﷺ who was the wife of ‘Uthmān, may Allāh be pleased with them both, was critically ill, and the Prophet ﷺ had detailed him to attend to Ruqayyah. The incident proves that if a person is prevented from participating in a battle due to some duty assigned to him, he shall also be granted his share of the spoils.

Chapter 141. Regarding A Woman And A Slave Being Given Something From The Spoils

2727. It was reported from Yazīd bin Hurmuz who said: “Najdah wrote to Ibn ‘Abbās asking about such and such, and he mentioned

(المعجم ١٤١) بَابُ: فِي الْمَرْأَةِ وَالْعَبْدِ يُحْدِثَانِ مِنَ الْغَنِيمَةِ (التحفة ١٥٢)

٢٧٢٧ - حَدَّثَنَا مَخْبُوبُ بْنُ مُوسَى أَبُو صَالِحٍ: حَدَّثَنَا أَبُو إِسْحَاقَ الْفَزَارِيُّ عَنْ زَائِدَةَ، عَنْ الْأَعْمَشِ، عَنْ الْمُخْتَارِ بْنِ

some matters. He also asked about the slave; if they are entitled to any share of the spoils and also about the women; whether they used to go out (for battle) with the Messenger of Allāh ﷺ? And are they, too, entitled to any share of the spoils? Ibn ‘Abbās said: ‘Had I not sensed indiscretion from him I would not have written to him. As for the slave he was given some of the spoils (as a reward), and as for the women they used to treat the wounded and supply water.’”

(*Ṣaḥīḥ*)

تخریج: أخرجه مسلم، الجهاد والسير، باب النساء الغازيات يرضخ لهن ولا يسهم ... الخ، ح: ١٨١٢ من حديث زائدة به.

2728. Yazīd bin Hurmuz said: “Najdah Al-Ḥarūrī wrote to Ibn ‘Abbās asking about whether women used to participate in battles with the Messenger of Allāh ﷺ, and whether he used to allot them a share of the spoils.” He (Yazīd) said: “I wrote a letter (of reply) on behalf of Ibn ‘Abbās to Najdah: ‘They used to participate in the battles with the Messenger of Allāh ﷺ, but no specified portion was given to them. They were given only a small gift.’”^[1]

(*Ṣaḥīḥ*)

صَيْفِي، عَنْ يَزِيدَ بْنِ هُرْمُزٍ قَالَ: كَتَبَ نَجْدَةُ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنْ كَذَا وَكَذَا ذَكَرَ أَشْيَاءَ وَعَنِ الْمَمْلُوكِ أَلَهُ فِي الْفَيْءِ شَيْءٌ وَعَنِ النِّسَاءِ هَلْ كُنَّ يَخْرُجْنَ مَعَ رَسُولِ اللَّهِ ﷺ؟ وَهَلْ لَهُنَّ نَصِيبٌ؟ فَقَالَ ابْنُ عَبَّاسٍ: لَوْلَا أَنْ يَأْتِي أَحْمُوقَةُ مَا كَتَبْتُ إِلَيْهِ، أَمَّا الْمَمْلُوكُ فَكَانَ يُحْدَى، وَأَمَّا النِّسَاءُ فَكُنَّ يُدَاوِينَ الْجَرَحَى وَيَسْقِينَ الْمَاءَ.

٢٧٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنُ فَارِسٍ [قال]: حَدَّثَنَا أَحْمَدُ بْنُ خَالِدٍ يَعْنِي الْوُهَيْيَّ قَالَ: حَدَّثَنَا ابْنُ إِسْحَاقَ عَنْ أَبِي جَعْفَرٍ وَالزُّهْرِيِّ، عَنْ يَزِيدَ بْنِ هُرْمُزٍ قَالَ: كَتَبَ نَجْدَةُ الْحَرُورِيُّ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنِ النِّسَاءِ هَلْ كُنَّ يَشْهَدْنَ الْحَرْبَ مَعَ رَسُولِ اللَّهِ ﷺ؟ وَهَلْ كَانَ يُضْرَبُ لَهُنَّ بِسْهَمٍ. قَالَ: فَأَنَا كَتَبْتُ كِتَابَ ابْنِ عَبَّاسٍ إِلَى نَجْدَةَ: قَدْ كُنَّ يَخْضَرْنَ الْحَرْبَ مَعَ رَسُولِ اللَّهِ ﷺ، فَأَمَّا أَنْ يُضْرَبَ لَهُنَّ بِسْهَمٍ فَلَا، وَقَدْ كَانَ يُرْضَخُ لَهُنَّ.

تخریج: [صحيح] انظر الحديث السابق.

Comments:

There is no share stipulated as such for women and other helpers in the spoils. They may, however, be given appropriate rewards etc.

^[1] Another version preceded see no. 2727.

2729. It was reported from Ḥaṣhraj bin Ziyād, from his grandmother — his father's mother — that she went out along with the Messenger of Allāh ﷺ for the Battle of Khaibar. She was one of the six women. (She said): "When the Messenger of Allāh ﷺ found out about it he sent for us, so we came to him and saw him angry. He said: 'Whom did you come out with, and with whose permission did you come out?' We said: 'O Messenger of Allāh! We came out to spin the hair^[1] and support with it in the cause of Allāh, we have remedies for the injured ones, we hand over arrows and supply *Sawiq* to drink.' He said: 'Then continue.' When Allāh granted him victory over Khaibar he gave us a share from the spoils as he gave to the men." He (Ḥaṣhraj) said: "I said to her: 'O grandmother! And what was that?' She replied: 'Dates.'" (Da'if)

تخريج: [إسناده ضعيف] أخرجه أحمد: ٢٧١/٥ والنسائي في الكبرى، ح: ٨٨٧٩ من حديث رافع بن سلمة به * حشر بن زياد: لا يعرف، لم يوثقه غير ابن حبان.

2730. It was reported from Muḥammad bin Zaid who said: "Umair, the freed slave of Abī Al-Laḥm narrated to me: 'I participated in the Battle of Khaibar with my masters who spoke to the Messenger of Allāh ﷺ regarding me. He ordered (me) to don the sword which I was dragging. He was then informed

٢٧٢٩ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعِيدٍ وَغَيْرُهُ، قَالَا: أَخْبَرَنَا زَيْدٌ يَعْنِي ابْنَ الْحُبَابِ: حَدَّثَنَا رَافِعُ بْنُ سَلَمَةَ بْنُ زَيْيَادٍ قَالَ: حَدَّثَنِي حَشْرَجُ بْنُ زَيْيَادٍ عَنْ جَدَّتِهِ، أُمِّ أَبِيهِ: أَنَّهَا خَرَجَتْ مَعَ رَسُولِ اللَّهِ ﷺ فِي غَزْوَةِ خَيْبَرَ سَادِسَ سِتِّ نِسْوَةٍ، فَلَمَّعَ رَسُولُ اللَّهِ ﷺ فَبَعَثَ إِلَيْنَا فَجِئْنَا، فَأَيْتَانَا فِيهِ الْغَضَبُ، فَقَالَ: «مَعَ مَنْ خَرَجْتُمْ وَبِإِذْنِ مَنْ خَرَجْتُمْ؟» فَقُلْنَا: يَا رَسُولَ اللَّهِ! خَرَجْنَا نَغْزِلُ الشَّعْرَ وَنُعِينُ بِهِ فِي سَبِيلِ اللَّهِ، وَمَعَنَا دَوَاءٌ لِلْجَرْحَى وَنَنَاوِلُ السَّهَامَ وَنَسْقِي السَّيْقَ، فَقَالَ: «فَمَنْ». حَتَّى إِذَا فَتَحَ اللَّهُ عَلَيْهِ خَيْبَرَ أَشْهَمَ لَنَا كَمَا أَشْهَمَ لِلرَّجَالِ. قَالَ: فَقُلْتُ لَهَا: يَا جَدَّةُ وَمَا كَانَ ذَلِكَ؟ قَالَتْ: تَمَرًا.

٢٧٣٠ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا بِشْرٌ يَعْنِي ابْنَ الْمُفَضَّلِ عَنْ مُحَمَّدِ بْنِ زَيْدٍ قَالَ: حَدَّثَنِي عُمَيْرٌ مَوْلَى أَبِي اللَّحْمِ قَالَ: شَهِدْتُ خَيْبَرَ مَعَ سَادَاتِي فَكَلَّمُونَا فِي رَسُولِ اللَّهِ ﷺ فَأَمَرَ بِي فَقُلْتُ سَيِّفًا فَإِذَا أَنَا أَجْرُهُ فَأُخْبِرَ أَنِّي مَمْلُوكٌ فَأَمَرَ لِي بِسَيْءٍ مِنْ خُرْنَبِ الْمَتَاعِ. قَالَ أَبُو دَاوُدَ: مَعْنَاهُ أَنَّهُ لَمْ يُسْهِمَ لَهُ.

[1] Meaning, to make yarn and the like.

that I was a slave. He therefore ordered some inferior goods be given to me.” (*Ṣaḥīḥ*)

Abū Dāwud said: It means that he was not given any specified portion.

Abū Dāwud said: Abū ‘Ubaid said: He had declared meat unlawful for himself, him that is why he was called Ābī Al-Laḥm.^[1]

قَالَ أَبُو دَاوُدَ: قَالَ أَبُو عُبَيْدٍ: كَانَ حَرَّمَ
اللَّحْمَ عَلَى نَفْسِهِ فَسَمِيَ أَبِي اللَّحْمِ.

تخريج: [إسناده صحيح] أخرجه الترمذي، السير، باب: هل يسهم للعبد، ح: ١٥٥٧ من حديث بشر بن المفضل به وقال: "حسن صحيح" وصححه ابن حبان، ح: ١٦٦٩ والحاكم، ح: ١٣١/٢ ووافقه الذهبي وهو في مسند الإمام أحمد: ٢٢٣/٥.

Comments:

Ābī Al-Laḥm's name was ‘Abdullāh bin ‘Abdul-Mālik bin ‘Abdullāh bin Ghifār. (*Al-Iṣābah*).

He was probably given something as reward for this service. And Allāh knows best.

2731. It was reported from Jābir who said: "I was supplying water to my companions on the Day of Badr." (*Da‘īf*)

٢٧٣١ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ قَالَ:
حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ أَبِي
سُفْيَانَ، عَنْ جَابِرٍ قَالَ: كُنْتُ أُمِيعُ أَصْحَابِي
الْمَاءَ يَوْمَ بَدْرٍ.

تخريج: [إسناده ضعيف] أخرجه البيهقي (٣١/٩) بلفظ: (أمنح) من حديث أبي داود به * أبو معاوية الضرير والأعمش: مدلسان وعتنا.

Chapter 142. Regarding An Idolater Being Allotted A Share

2732. It was reported from ‘Urwah that ‘Āishah said: — Yaḥyā (one of the narrator) said: — "A man from the idolaters accompanied the Prophet ﷺ to fight along with him. He said: 'Go back.'" — Then both of them were in accord.^[2] "We do

(المعجم ١٤٢) بَابُ: فِي الْمُشْرِكِ يُسْهِمُ
لَهُ (التحفة ١٥٣)

٢٧٣٢ - حَدَّثَنَا مُسَدَّدٌ وَيَحْيَى بْنُ مَعِينٍ
قَالَا: حَدَّثَنَا يَحْيَى عَنْ مَالِكٍ، عَنْ الْفَضِيلِ،
عَنْ عَبْدِ اللَّهِ بْنِ نُبَارٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ،
- قَالَ يَحْيَى -: إِنَّ رَجُلًا مِنَ الْمُشْرِكِينَ لَجَقَّ
بِالنَّبِيِّ ﷺ يُقَاتِلُ مَعَهُ فَقَالَ: «ارْجِعْ» ثُمَّ اتَّفَقَا -

[1] Meaning: "Refuser of meat."

[2] That is both Yaḥyā bin Ma‘īn and Musad-dad, from whom Abū Dāwud heard it.

not seek support from an idolater.”

(*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجهاد والسير، باب كراهة الاستعانة في الغزو بكافر إلا لحاجة أو كونه حسن الرأي في المسلمين، ح: ١٨١٧ من حديث الإمام مالك به.

Chapter 143. Allotting Two Shares For The Horse

(المعجم ١٤٣) بَابُ: فِي سُهْمَانِ الْخَيْلِ

(التحفة ١٥٤)

2733. It was reported from Ibn ‘Umar who said: “The Messenger of Allāh ﷺ allotted three shares for the man and his horse: one share for him, and two shares for his horse.” (*Ṣaḥīḥ*)

٢٧٣٣ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا عُبَيْدُ اللَّهِ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَسْهَمَ لِرَجُلٍ وَلِفَرَسِهِ ثَلَاثَةَ أَشْهُمٍ: سَهْمًا لَهُ وَسَهْمَيْنِ لِفَرَسِهِ.

تخريج: [إسناده صحيح] أخرجه البخاري، الجهاد والسير، باب سهام الفرس، ح: ٢٨٦٣ ومسلم، ح: ١٧٦٢ من حديث عبدالله بن عمر به وهو في مسند الإمام أحمد: ٤١/٢.

2734. It was reported from Al-Mas‘ūdī (who said): “Abū ‘Amrah narrated to me from his father who said: “We came to the Messenger of Allāh ﷺ as a group of four, and we had a horse. He allotted each one of us a share, and allotted two shares for the horse.” (*Da‘īf*)

٢٧٣٤ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ زَيْدٍ: حَدَّثَنَا الْمَسْعُودِيُّ: حَدَّثَنِي أَبُو عَمْرَةَ عَنْ أَبِيهِ قَالَ: أَتَيْنَا رَسُولَ اللَّهِ ﷺ أَرْبَعَةً نَفَرٍ وَمَعَنَا فَرَسٌ، فَأَعْطَى كُلَّ إِنْسَانٍ مِنْهَا سَهْمًا وَأَعْطَى الْفَرَسَ سَهْمَيْنِ.

تخريج: [إسناده ضعيف] وهو في مسند أحمد: ١٣٨/٤ سنده ضعيف وللحديث شواهد * أبو عمرة مجهول الحال، والخبر معلل.

2735. (Another chain) from Al-Mas‘ūdī, from a man from the family of Abū ‘Amrah, from Abū ‘Amrah, with its meaning, except that he said: “As a group of three,” and added: “The horseman got three portions.” (*Da‘īf*)

٢٧٣٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أُمَيَّةُ بْنُ خَالِدٍ: حَدَّثَنَا الْمَسْعُودِيُّ عَنْ رَجُلٍ مِنْ آلِ أَبِي عَمْرَةَ، عَنْ أَبِي عَمْرَةَ بِمَعْنَاهُ، إِلَّا أَنَّهُ قَالَ ثَلَاثَةَ نَفَرٍ زَادَ: فَكَانَ لِلْفَارِسِ ثَلَاثَةُ أَشْهُمٍ.

تخريج: [ضعيف] انظر الحديث السابق.

Chapter 143, 144. Regarding Giving Only One Portion (For The Horse)

2736. It was reported from ‘Abdur-Rahmān bin Yazīd Al-Anṣārī, from his paternal uncle, Mujaṃmi‘ bin Jāriyah Al-Anṣārī — he was one of the Qur’ān reciters — who said: “We were present with the Messenger of Allāh ﷺ at Al-Ḥudaibiyyah. When we started returning to Al-Madīnah people were driving their camels quickly. Some people said to others: ‘What is the matter with the people?’ They said: ‘Revelation has come down to the Prophet ﷺ.’ So we went out with the people hastily, and we saw the Prophet ﷺ standing on his mount at Kurā‘ Al-Ghaim. When the people gathered around him, he recited: Verily, We have given you a manifest victory.^[1] A man said: ‘O Messenger of Allāh! Is it really a victory?’ He said: ‘Yes, by Him in whose Hand Muḥammad’s soul is! Indeed it is a victory.’ Later on the spoils of Khaibar were distributed among those who had been at Al-Ḥudaibiyyah. The Messenger of Allāh ﷺ divided it into eighteen shares. The army consisted of one-thousand and five hundred, of which, three hundred were cavalry. He gave two shares to a horseman and one share to a foot soldier.” (*Hasan*)

Abū Dāwud said: The *Ḥadīth* of

(المعجم ١٤٣، ١٤٤) بَابُ: فِيمَنْ أَنَسَهُمْ لَهُ سَهْمًا (التحفة ١٥٥)

٢٧٣٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْسَى: حَدَّثَنَا مُجَمِّعُ بْنُ يَعْقُوبَ بْنِ مُجَمِّعٍ بْنِ يَزِيدَ الْأَنْصَارِيِّ قَالَ: سَمِعْتُ أَبِي يَعْقُوبَ بْنَ الْمُجَمِّعِ يَذْكُرُ عَنْ عَمِّهِ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ الْأَنْصَارِيِّ، عَنْ عَمِّهِ مُجَمِّعِ بْنِ جَارِيَةَ الْأَنْصَارِيِّ - قَالَ: وَكَانَ أَحَدَ الْقُرَاءِ الَّذِينَ قَرَأُوا الْقُرْآنَ - قَالَ: شَهِدْنَا الْحُدَيْبِيَّةَ مَعَ رَسُولِ اللَّهِ ﷺ، فَلَمَّا أَنْصَرَفْنَا عَنْهَا إِذَا النَّاسُ يَهْرُؤُونَ الْأَبَاعِرَ، فَقَالَ بَعْضُ النَّاسِ لِبَعْضٍ: مَا لِلنَّاسِ؟ قَالُوا: أُوجِيَ إِلَى النَّبِيِّ ﷺ فَخَرَجْنَا مَعَ النَّاسِ نُوجِفُ فَوَجَدْنَا النَّبِيَّ ﷺ وَاقِفًا عَلَى رَاحِلَتِهِ عِنْدَ كُرَاعِ الْغَيْمِ فَلَمَّا اجْتَمَعَ عَلَيْهِ النَّاسُ قَرَأَ عَلَيْهِمْ ﴿إِنَّا فَتَحْنَا لَكَ فَتْحًا مُبِينًا﴾. فَقَالَ رَجُلٌ: يَا رَسُولَ اللَّهِ! أَفْتَحُ هُو؟ قَالَ: «نَعَمْ وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ! إِنَّهُ لَفَتْحٌ»، فَقَسَمْتُ خَيْرٌ عَلَى أَهْلِ الْحُدَيْبِيَّةِ فَقَسَمَهَا رَسُولُ اللَّهِ ﷺ عَلَى ثَمَانِيَةِ عَشَرَ سَهْمًا، وَكَانَ الْجَيْشُ أَلْفًا وَخَمْسِمِائَةً، فِيهِمْ ثَلَاثُ مِائَةِ فَارِسٍ، فَأَعْطَى الْفَارِسَ سَهْمَيْنِ، وَأَعْطَى الرَّجُلَ سَهْمًا.

قَالَ أَبُو دَاوُدَ: حَدِيثُ أَبِي مُعَاوِيَةَ أَصَحُّ وَالْعَمَلُ عَلَيْهِ وَارَى الْوَهْمَ فِي حَدِيثِ مُجَمِّعٍ أَنَّهُ قَالَ: ثَلَاثَ مِائَةِ فَارِسٍ وَكَانُوا مِائَتِي فَارِسٍ.

[1] *Al-Fath*: 48:1.

Abū Mu‘āwiyah^[1] is more correct and it is the one that is acted upon. I think there is an error in the *Hadīth* of Mujammi‘, as he said: “Three hundred horsemen,” while they were only two hundred.

تخريج: [إسناده حسن] أخرجه أحمد: ٤٢٠/٣ من حديث مجمع بن يعقوب به وصححه الحاكم: ١٣١/٢ ووافقه الذهبي، والتطبيق ممكن والحمد لله.

Chapter 144, 145 Regarding The *Naft*^[2]

(المعجم ١٤٤، ١٤٥) بَابُ: فِي النَّفْلِ
(التحفة ١٥٦)

2737. It was reported from Khālīd, from Dāwud, from ‘Ikrimah, from Ibn ‘Abbās who said: “On the Day of Badr, the Messenger of Allāh ﷺ said: ‘A person who does this and that, will have a bonus of this and that.’ So youth went ahead and the elders remained where the flag was, and they did not leave it. When Allāh granted them victory, the elders said: ‘We were reinforcements for you people. If you were defeated you would have retreated to us, so do not take away all the spoils and leave us behind with nothing.’ The youth refused, and said: ‘The Messenger of Allāh ﷺ has given it to us.’ So Allāh, the Exalted, revealed: They ask you about the spoils of war. Say: “The spoils are for Allāh and the Messenger...” up to His saying: “...As your Lord caused you to go out from your home with the truth; and verily, a party among the

٢٧٣٧ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ قَالَ: أَخْبَرَنَا خَالِدٌ عَنْ دَاوُدَ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ يَوْمَ بَدْرٍ: «مَنْ فَعَلَ كَذَا وَكَذَا فَلَهُ مِنَ النَّفْلِ كَذَا وَكَذَا». قَالَ: فَتَقَدَّمَ الْفَتَيَانِ وَلَزِمَ الْمَشِيخَةُ الرَّايَاتِ فَلَمْ يَبْرَحُوها. فَلَمَّا فَتَحَ اللَّهُ عَلَيْهِمْ قَالَتِ الْمَشِيخَةُ: كُنَّا رِذَاءًا لَكُمْ لَوْ أَنْهَرْتُمْ فِيْكُمْ إِلَيْنَا فَلَا تَذْهَبُونَ بِالْمَغْنَمِ وَنَبْقَى، فَأَبَى الْفَتَيَانِ وَقَالُوا: جَعَلَهُ رَسُولُ اللَّهِ ﷺ لَنَا، فَأَنْزَلَ اللَّهُ تَعَالَى: ﴿يَسْأَلُونَكَ عَنِ الْأَنْفَالِ قُلِ الْأَنْفَالُ لِلَّهِ وَالرَّسُولِ﴾ إِلَى قَوْلِهِ: ﴿كَمَا أَخْرَجَكَ رَبُّكَ مِنْ بَيْتِكَ بِالْحَقِّ وَإِنَّ فَرِيقًا مِنَ الْمُؤْمِنِينَ لَكَاذِبُونَ﴾ [الأنفال: ١-٥] يَقُولُ: فَكَانَ ذَلِكَ خَيْرًا لَهُمْ، فَكَذَلِكَ أَيْضًا: فَاطِيعُونِي فَإِنِّي أَعْلَمُ بِعَاقِبَةِ هَذَا مِنْكُمْ.

[1] That is, no. 2733.

[2] A bonus, or reward; an extra portion granted to some soldiers.

believers disliked it...”^[1] He (Ibn ‘Abbās) said: “(Meaning:) So that was better for them. — And similarly (it means) so you should obey Me, as I know the consequences of this better than you.” (*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] أخرجه النسائي في الكبرى، ح: ١١٩٧ من حديث داود بن أبي هند به وصححه الحاكم: ٢/١٣١، ٣٢٦، ٣٢٧ ووافقه الذهبي، وانظر الحديث الآتي.

2738. It was reported from Hushaim (who said): “Dāwud bin Abī Hind narrated to us, from ‘Ikrimah, from Ibn ‘Abbās who said: ‘On the Day of Badr, the Messenger of Allāh ﷺ said: “Anyone who kills a man will have this and that, and anyone who captures a man will have this and that.” Then he (the narrator) cited similarly, and the (previous) *Ḥadīth* of Khālīd is more complete. (*Ṣaḥīḥ*)

تخريج: [صحيح] انظر الحديث السابق، وأخرجه البيهقي: ٦/٣١٥، ٣١٦ من حديث أبي داود به.

2739. It was reported from Yaḥyā bin Zakariyyā bin Abī Zā'idah, he said: “Dāwud narrated to us...” this *Ḥadīth*, with his chain; he said: “The Messenger of Allāh ﷺ divided it equally.” And the *Ḥadīth* of Khālīd (no. 2737) is more complete. (*Ṣaḥīḥ*)

تخريج: [صحيح] انظر الحديثين السابقين وأخرجه البيهقي في دلائل النبوة: ٣/١٣٦ من حديث أبي داود به.

٢٧٣٨ - حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ: حَدَّثَنَا هُشَيْمٌ قَالَ: حَدَّثَنَا دَاوُدُ بْنُ أَبِي هِنْدٍ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ يَوْمَ بَدْرٍ: «مَنْ قَتَلَ قَتِيلًا فَلَهُ كَذَا وَكَذَا، وَمَنْ أَسَرَ أَسِيرًا فَلَهُ كَذَا وَكَذَا» ثُمَّ سَأَلَ نَحْوَهُ وَحَدِيثُ خَالِدٍ أَتَمُّ.

٢٧٣٩ - حَدَّثَنَا هَارُونُ بْنُ مُحَمَّدٍ بْنِ بَكَّارٍ بْنِ بِلَالٍ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ بْنِ مَوْهَبٍ الْهَمْدَانِيُّ قَالَ: حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا ابْنُ أَبِي زَائِدَةَ قَالَ: حَدَّثَنَا دَاوُدُ بِهَذَا الْحَدِيثِ بِإِسْنَادِهِ قَالَ: فَسَمَّاهَا رَسُولُ اللَّهِ ﷺ بِالسَّوَاءِ وَحَدِيثُ خَالِدٍ أَتَمُّ.

^[1] *Al-Anfāl* 8:1-5.

2740. It was reported from Muṣ'ab bin Sa'd, from his father: "I came to the Messenger of Allāh ﷺ on the Day of Badr with a sword and said: 'O Messenger of Allāh! Indeed Allāh has healed my breast from the enemy today, so grant me this sword.' He said: 'This sword is neither mine, nor yours.' So I went away saying: 'Today this sword will be given to somebody who has not been put to trial like me.' Meanwhile a messenger came to me, and said: 'Respond (to the call).' I thought something had been revealed about me because of my speech. When I came, the Prophet ﷺ said to me: 'You asked me for this sword. It is neither mine, nor yours. Now Allāh has given it to me, hence it is yours.' Then he recited: They ask you about the spoils of war. Say: "The spoils are for Allāh and the Messenger..." until the end of the Verse."^[1] (*Ṣaḥīḥ*)

Abū Dāwud said: Ibn Mas'ūd would recite it: "*Yasa'lūnakan-nafla* (They ask you for a gift.)"

تخريج: أخرجه مسلم، الجهاد والسير، باب الأنفال، ح: ١٧٤٨ من طريق آخر عن مصعب ابن سعد والترمذي، ح: ٣٠٧٩ من حديث أبي بكر بن عياش به * عاصم هو ابن بهدلة.

Chapter 145. Regarding The Nafī In The Case Of A Detachment Of The Army

2741. It was reported from Shu'aib bin Abī Ḥamzah, from Nāfi', from

٢٧٤٠ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ عَنْ أَبِي بَكْرٍ، عَنْ عَاصِمٍ، عَنْ مُصْعَبِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: جِئْتُ إِلَى النَّبِيِّ ﷺ يَوْمَ بَدْرٍ بِسَيْفٍ فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّ اللَّهَ قَدْ شَفَى صَدْرِي الْيَوْمَ مِنَ الْعَدُوِّ فَهَبْ لِي هَذَا السَّيْفَ. قَالَ: «إِنَّ هَذَا السَّيْفَ لَيْسَ لِي وَلَا لَكَ» فَذَهَبْتُ، وَأَنَا أَقُولُ يُعْطَاهُ الْيَوْمَ مَنْ لَمْ يُبَلَّ بِلَايِي، فَبَيْنَا أَنَا إِذْ جَاءَنِي الرَّسُولُ فَقَالَ: أَجِبْ فَطَنْتُ أَنَّهُ نَزَلَ فِيَّ شَيْءٌ بِكَلَامِي، فَجِئْتُ، فَقَالَ لِي النَّبِيُّ ﷺ: «إِنَّكَ سَأَلْتَنِي هَذَا السَّيْفَ وَلَيْسَ هُوَ لِي وَلَا لَكَ وَإِنَّ اللَّهَ قَدْ جَعَلَهُ لِي فَهُوَ لَكَ»، ثُمَّ قَرَأَ: ﴿يَسْأَلُونَكَ عَنِ الْأَنْفَالِ قُلِ الْأَنْفَالُ لِلَّهِ وَالرَّسُولِ﴾ إِلَى آخِرِ الْآيَةِ.

قَالَ أَبُو دَاوُدَ: قِرَاءَةُ ابْنِ مَسْعُودٍ: (يَسْأَلُونَكَ التَّقْلَ).

(المعجم ١٤٥) بَابُ: فِي التَّقْلِ لِلْسَرِيَّةِ تَخْرُجُ مِنَ الْعَسْكَرِ (التحفة ١٥٧)

٢٧٤١ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ؛ ح: وَحَدَّثَنَا مُوسَى

[1] *Al-Anfāl* 8:1.

Ibn ‘Umar who said: “The Messenger of Allāh ﷺ sent us with an army towards Najd, (and he sent) a detachment from it (towards the enemy). The share for the whole army was twelve camels per person, and he gave the detachment a *Nafl* of one additional camel each. Thus their share was thirteen camels each. (*Ṣaḥīḥ*)

ابْنُ عَبْدِ الرَّحْمَنِ الْأَنْطَاكِيُّ قَالَ: حَدَّثَنَا مُبَشِّرٌ، ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ عَوْفٍ الطَّائِيُّ أَنَّ الْحَكَمَ بْنَ نَافِعٍ حَدَّثَهُمُ الْمَعْنَى، كُلُّهُمْ عَنْ شُعَيْبِ بْنِ أَبِي حَمْزَةَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ فِي جَيْشٍ قَبْلَ نَجْدٍ، [وَأَنْبَعَثَ] سَرِيَّةً مِنَ الْجَيْشِ، فَكَانَ سُهْمَانُ الْجَيْشِ اثْنَيْ عَشَرَ بَعِيرًا اثْنَيْ عَشَرَ بَعِيرًا وَنَفَلَ أَهْلَ السَّرِيَّةِ بَعِيرًا بَعِيرًا، فَكَانَتْ سُهْمَانُهُمْ ثَلَاثَةَ عَشَرَ ثَلَاثَةَ عَشَرَ.

تخريج: [إسناده صحيح] انظر الحديث الآتي: ٢٧٤٤ أخرجه ابن عبد البر في التمهيد: ١٤/ ٣٨، ٣٩ من حديث أبي داود به وصححه ابن الجارود، ح: ١٠٧٤ عن محمد بن عوف.

Comments:

If a detachment of the army performs some special feat, its members may be awarded something special in addition to their normal share from the spoils.

2742. Al-Walīd bin ‘Utbah Ad-Dimashqī narrated to us, he said: “Al-Walīd, meaning Ibn Muslim, said: ‘I narrated this *Ḥadīth*^[1] to Ibn Al-Mubārak. I said: “And similarly Ibn Abī Farwah narrated it to us from Nāfi’.” He (Ibn Al-Mubārak) said: “Those whom you mentioned are not equal to Mālik,” or something similar to that.” Meaning Mālik bin Anas.^[2] (*Ṣaḥīḥ*)

٢٧٤٢ - حَدَّثَنَا الْوَلِيدُ بْنُ عُتْبَةَ الدَّمَشَقِيُّ قَالَ: قَالَ الْوَلِيدُ يَعْنِي ابْنَ مُسْلِمٍ: حَدَّثْتُ ابْنَ الْمُبَارَكِ بِهَذَا الْحَدِيثِ قُلْتُ: وَكَذَا حَدَّثَنَا ابْنُ أَبِي فَرْوَةَ عَنْ نَافِعٍ قَالَ: لَا يَعْدِلُ مَنْ سَمِعْتُ بِمَالِكٍ هَكَذَا أَوْ نَحْوَهُ يَعْنِي مَالِكَ بْنَ أَنَسٍ.

تخريج: [صحيح] انظر الحديث السابق.

2743. It was reported from Muḥammad, meaning Ibn Ishāq, from Nāfi’, from Ibn ‘Umar who said: “The Messenger of Allāh ﷺ

٢٧٤٣ - حَدَّثَنَا هَنَّادٌ: حَدَّثَنَا عَبْدَةُ يَعْنِي ابْنَ سُلَيْمَانَ الْكِلَابِيَّ عَنْ مُحَمَّدٍ يَعْنِي ابْنَ إِسْحَاقَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ:

[1] Meaning, the narration of Shu‘aib.

[2] Meaning, Mālik’s version (which follows in no. 2744) is more correct in his view, than that of Shu‘aib and Ibn Abī Farwah, and Al-Walīd bin Muslim is one of those that narrated no. 2741 from Shu‘aib.

sent a detachment towards Najd, and I went along with them. We acquired a lot of camels. Our commander rewarded us with a *Nafl* of one camel for each person. Then when we arrived, the Messenger of Allāh ﷺ divided our spoils among us. Each one of us got twelve camels, after the *Khumus* taken out. The Messenger of Allāh ﷺ did not take any account regarding what our commander had given us, neither did he blame him for what he had done. Thus, each one of us got thirteen camels, along with his *Nafl*.” (*Ṣaḥīḥ*)

بَعَثَ رَسُولُ اللَّهِ ﷺ سَرِيَّةً إِلَى نَجْدٍ، فَخَرَجْتُ مَعَهَا، فَأَصَبْنَا نَعَمًا كَثِيرًا، فَتَقَلَّلْنَا أَمِيرَنَا بَعِيرًا لِكُلِّ إِنْسَانٍ، ثُمَّ قَدِمْنَا عَلَى رَسُولِ اللَّهِ ﷺ فَقَسَمَ بَيْنَنَا غَنِمَتَنَا فَأَصَابَ كُلُّ رَجُلٍ مِثْلَ اثْنَيْ عَشَرَ بَعِيرًا بَعْدَ الْخُمْسِ، وَمَا حَاسَبَنَا رَسُولُ اللَّهِ ﷺ بِالَّذِي أَعْطَانَا صَاحِبِنَا وَلَا عَابَ عَلَيْهِ بَعْدَ مَا صَنَعَ فَكَانَ لِكُلِّ رَجُلٍ مِثْلَ ثَلَاثَةِ عَشَرَ بَعِيرًا يَنْفِلُهُ.

تخريج: [صحيح] انظر الحديث الآتي أخرجه البيهقي في دلائل النبوة: ٣٥٦/٤ من حديث أبي داود به وللحديث شواهد.

2744. (Mālik and Laith) reported from Nāfi', from 'Abdullāh bin 'Umar, that the Messenger of Allāh ﷺ sent a detachment towards Najd with 'Abdullāh bin 'Umar in it. They acquired a large number of camels in the spoils. Every one of them got twelve camels as their share, and they were each rewarded a *Nafl* of one additional camel.

Ibn Mawhab (who narrated it from Al-Laith) said in his version: "The Messenger of Allāh ﷺ did not change that." (*Ṣaḥīḥ*)

٢٧٤٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ عَنْ مَالِكٍ؛ ح: وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ وَيَزِيدُ بْنُ خَالِدِ بْنِ مَوْهَبٍ قَالَا: حَدَّثَنَا اللَّيْثُ، الْمَعْنَى عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ بَعَثَ سَرِيَّةً فِيهَا عَبْدُ اللَّهِ بْنُ عُمَرَ قَبْلَ نَجْدٍ، فَغَنِمُوا إِبِلًا كَثِيرَةً فَكَانَتْ سُهُمَانُهُمْ اثْنَيْ عَشَرَ بَعِيرًا وَتَقَلَّلُوا بَعِيرًا بَعِيرًا. زَادَ ابْنُ مَوْهَبٍ فَلَمْ يُغَيِّرْهُ رَسُولُ اللَّهِ ﷺ.

تخريج: أخرجه البخاري، فرض الخمس، باب: ومن الدليل على أن الخمس لنواب المسلمين ... إلخ، ح: ٣١٣٤، ومسلم، الجهاد والسير، باب الأنفال، ح: ١٧٤٩ من حديث مالك به وهو في الموطأ (يحيى): ٤٥٠/٢، ح: ١٠٠٠ (بتحقيقي).

2745. It was reported from ‘Ubaidullāh (who said): “Nāfi‘ narrated to me, from ‘Abdullāh, who said: ‘The Messenger of Allāh ﷺ sent us in a detachment towards Najd. Our share of the spoils was twelve camels each, and the Messenger of Allāh ﷺ rewarded us with a *Nafl* of one additional camel each.’” (*Ṣaḥīḥ*)

Abū Dāwud said: Burd bin Sinān reported it from Nāfi‘, similar to the narration of ‘Ubaidullāh, and Ayyūb reported it from Nāfi‘, similarly, except that he said: “And we were rewarded a *Nafl* of one camel each” without mentioning the Prophet ﷺ.

٢٧٤٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ عُبَيْدِ اللَّهِ: حَدَّثَنِي نَافِعٌ عَنْ عَبْدِ اللَّهِ قَالَ: بَعَثَنَا رَسُولُ اللَّهِ ﷺ فِي سَرِيَّةٍ فَلَبَغَتْ شُهُمَانُنَا اثْنِي عَشَرَ بَعِيرًا وَنَفَلَنَا رَسُولُ اللَّهِ ﷺ بَعِيرًا بَعِيرًا. قَالَ أَبُو دَاوُدَ: رَوَاهُ بُرْدُ بْنُ سِنَانٍ مِثْلَهُ عَنْ نَافِعٍ مِثْلَ حَدِيثِ عُبَيْدِ اللَّهِ، وَرَوَاهُ أَيُّوبُ عَنْ نَافِعٍ مِثْلَهُ، إِلَّا أَنَّهُ قَالَ: وَنَفَلْنَا بَعِيرًا بَعِيرًا لَمْ يَذْكُرِ النَّبِيَّ ﷺ.

تخريج: وأخرجه مسلم، ح: ٣٧/١٧٤٩ من حديث يحيى القطان به وانظر الحديث السابق.

Comments:

The two apparently conflicting version may be reconciled if we conclude that whatever reward the commander gave, the Prophet ﷺ confirmed it. It is because of this ratification by him that the bestowal has been directly attributed to him.

2746. It was reported from Al-Laith from ‘Aqil, from Ibn Shihāb, from Sālim, from ‘Abdullāh bin ‘Umar, that the Messenger of Allāh ﷺ used to give a specific *Nafl* to some of the detachments which he sent out, other than the general share of the whole army. And the *Khumus* was required from all of that. (*Ṣaḥīḥ*)

٢٧٤٦ - حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ شُعَيْبٍ بْنُ اللَّيْثِ قَالَ: حَدَّثَنِي أَبِي عَنْ جَدِّي، ح: وَحَدَّثَنَا حَجَّاجُ بْنُ أَبِي يَعْقُوبَ قَالَ: حَدَّثَنِي حُجَيْنٌ: حَدَّثَنَا اللَّيْثُ عَنْ عُقَيْلٍ، عَنْ ابْنِ شِهَابٍ، عَنْ سَالِمٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَدْ كَانَ يُنْفِلُ بَعْضَ مَنْ يَبْعَثُ مِنَ السَّرَايَا لِأَنْفُسِهِمْ خَاصَّةَ النَّفْلِ سِوَى قَسَمِ عَامَّةِ الْجَيْشِ، وَالْخُمْسُ وَاجِبٌ فِي ذَلِكَ كُلِّهِ.

تخريج: أخرجه مسلم، الجهاد والسير، باب الأنفال، ح: ٤٠/١٧٥٠ عن عبد الملك بن شعيب والبخاري، فرض الخمس، باب: ومن الدليل على أن الخمس لنواب المسلمين... إلخ،

ح: ٣١٣٥ من حديث الليث بن سعد به.

2747. It was reported from Abū ‘Abdur-Raḥmān Al-Ḥubulī, from ‘Abdullāh bin ‘Amr, that the Messenger of Allāh ﷺ went out on the Day of Badr with three hundred and fifteen (men). The Messenger of Allāh ﷺ said: “O Allāh they are on foot, provide them with mounts, O Allāh they are naked, clothe them, O Allāh they are hungry, provide food for them.” Allāh then granted them victory on the Day of Badr. When they returned back, there was no man among them but he returned with a camel or two, was clothed, and had eaten his fill. (*Hasan*)

٢٧٤٧ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهَبٍ: حَدَّثَنَا حُيَيُّ بْنُ أَبِي عَدِيٍّ الرَّحْمَنِ الْحُبُلِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ يَوْمَ بَدْرٍ فِي ثَلَاثِمِائَةٍ وَخَمْسَةِ عَشَرَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اللَّهُمَّ إِنَّهُمْ حَفَاةٌ فَاحْمِلْهُمْ، اللَّهُمَّ إِنَّهُمْ عُرَاةٌ فَكْسِهِمْ، اللَّهُمَّ إِنَّهُمْ جِيَاعٌ فَاشْبِعِهِمْ»، فَفَتَحَ اللَّهُ لَهُ يَوْمَ بَدْرٍ فَأَنْقَلَبُوا حِينٍ أَنْقَلَبُوا وَمَا مِنْهُمْ رَجُلٌ إِلَّا وَقَدْ رَجَعَ بِحِمْلٍ أَوْ جَمَلَيْنِ وَاکْتَسَوْا وَشَبِعُوا.

تخريج: [إسناده حسن] أخرجه الحاكم: ١٣٢/٢، ١٣٣ من حديث أحمد بن صالح به.

Chapter 146. Regarding Whoever Said That The *Khumus* Is Before The *Nafl*

2748. It was reported from Ḥabīb bin Maslamah Al-Fihri that the Messenger of Allāh ﷺ would grant a *Nafl* of a third after deducting the *Khumus*. (*Ṣaḥīḥ*)

(المعجم ١٤٦) بَابُ: فِيمَنْ قَالَ
الْخُمْسُ قَبْلَ النَّفْلِ (التحفة ١٥٨)

٢٧٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: حَدَّثَنَا سُفْيَانُ عَنْ يَزِيدَ بْنِ يَزِيدَ بْنِ جَابِرِ الشَّامِيِّ، عَنْ مَكْحُولٍ، عَنْ زِيَادِ بْنِ جَارِيَةَ التَّمِيمِيِّ، عَنْ حَبِيبِ بْنِ مَسْلَمَةَ الْفَهْرِيِّ أَنَّهُ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُنْفِلُ الثُّلُثَ بَعْدَ الْخُمْسِ.

تخريج: [صحيح] أخرجه ابن ماجه، الجهاد، باب النفل، ح: ٢٨٥١ من حديث سفیان به، وصححه الحاكم: ١٣٣/٢ ووافقه الذهبي * مكحول: صرح بالسماع وهو بريء من التدليس، في القول الراجح والحمد لله.

2749. (Another chain) from Ḥabīb bin Maslamah that the Messenger of Allāh ﷺ used grant a *Nafl* of a fourth after deducting the *Khumus*, and a third after deducting the

٢٧٤٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ الْجُسَمِيِّ قَالَ: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ مُعَاوِيَةَ بْنِ صَالِحٍ، عَنْ الْعَلَاءِ بْنِ

Khumus of the spoils when he returned. (*Ṣaḥīḥ*)

الْحَارِثُ، عَنْ مَكْحُولٍ، عَنْ ابْنِ جَارِيَّةَ، عَنْ حَبِيبِ بْنِ مَسْلَمَةَ أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يُقْلُ الرُّبْعَ بَعْدَ الْخُمْسِ وَالثُّلُثَ بَعْدَ الْخُمْسِ إِذَا قُتِلَ.

تخريج: [صحيح] انظر الحديث السابق، وأخرجه البيهقي: ٣١٤/٦ من حديث أبي داود به.

2750. It was reported that Makḥūl said: “I was a slave in Egypt belonging to a woman from Banū Hudhail. She freed me, but I did not leave Egypt, while there was knowledge in it, without (first) attaining it, as far as I could. Then I went to Al-Ḥijāz, and I did not leave it while there was knowledge in it without attaining it, as far as I could. Then I went to Al-‘Irāq, and I did not leave it while there was knowledge in it without attaining it, as far as I could. Then I came to Ash-Shām, and I sifted through it. (In all of those places) I asked everyone about the *Nafl*. I did not find anybody who could tell me anything about it, until I found an old man by the name of Ziyād bin Jāriyah At-Tamīmī. I said to him: ‘Did you hear anything about the *Nafl*?’ He said: ‘Yes, I heard Ḥabīb bin Maslamah Al-Fihri saying: “I witnessed the Prophet ﷺ giving a fourth in *Nafl* at the outset, and one third upon the return (from the journey).” (*Ḥasan*)

٢٧٥٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ بَشِيرٍ بْنُ ذَكْوَانَ وَمَحْمُودُ بْنُ خَالِدٍ اللَّدْمَشَقِيُّانِ، الْمَعْنَى قَالَا: حَدَّثَنَا مَرْوَانُ بْنُ مُحَمَّدٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ قَالَ: سَمِعْتُ أَبَا وَهْبٍ يَقُولُ: سَمِعْتُ مَكْحُولًا يَقُولُ: كُنْتُ عَبْدًا بِمِصْرَ لَامْرَأَةٍ مِنْ بَنِي هُذَيْلٍ فَأَعْتَقَنِي فَمَا خَرَجْتُ مِنْ مِصْرَ وَبِهَا عِلْمٌ إِلَّا حَوَيْتُ عَلَيْهِ فِيمَا أُرَى ثُمَّ أَتَيْتُ الْحِجَازَ فَمَا خَرَجْتُ مِنْهَا وَبِهَا عِلْمٌ إِلَّا حَوَيْتُ عَلَيْهِ فِيمَا أُرَى، ثُمَّ أَتَيْتُ الْعِرَاقَ وَمَا خَرَجْتُ مِنْهَا وَبِهَا عِلْمٌ إِلَّا حَوَيْتُ عَلَيْهِ فِيمَا أُرَى، ثُمَّ أَتَيْتُ الشَّامَ فَعَرَبْتُهَا كُلَّ ذَلِكَ أَسْأَلُ عَنِ النَّفْلِ، فَلَمْ أَجِدْ أَحَدًا يُخْبِرُنِي فِيهِ بِشَيْءٍ حَتَّى لَقِيتُ شَيْخًا يُقَالُ لَهُ: زِيَادُ بْنُ جَارِيَّةَ التَّمِيمِيِّ، فَقُلْتُ لَهُ: هَلْ سَمِعْتَ فِي النَّفْلِ شَيْئًا؟ قَالَ: نَعَمْ سَمِعْتُ حَبِيبَ بْنَ مَسْلَمَةَ الْفُهْرِيِّ يَقُولُ: شَهِدْتُ النَّبِيَّ ﷺ نَقَلَ الرُّبْعَ فِي الْبَدَاةِ وَالثُّلُثَ فِي الرَّجْعَةِ.

تخريج: [إسناده حسن] أخرجه الحاكم: ١٣٣/٢ من حديث عبدالله بن أحمد ومحمود بن خالد به وله شاهد عند الترمذي، ح: ١٥٦١.

Chapter 147. The Spoils Acquired By A Detachment Should Be Divided Among The Whole Army

(المعجم ١٤٧) بَابُ: فِي السَّرِيَّةِ تَرُدُّ عَلَى أَهْلِ الْعَسْكَرِ (التحفة ١٥٩)

2751. It was reported from ‘Amr bin Shua’ib, from his father, from his grandfather who said: “The Messenger of Allāh ﷺ said: ‘All the Muslims are equal in respect of blood. The protection given even by the least among them is to be honored, and reaches to the furthest of them. They should be united as one over their enemies. Those who have fleet-footed mounts should share their spoils with those who have slow mounts and those who go in a detachment should share the spoils with those who were stationed (as reinforcement). A believer is not killed (in retaliation) for a disbeliever, nor a one who has a covenant during the covenant.’”

Ibn Ishāq (one of the narrators) did not mention retaliation and equality in respect of blood. (*Hasan*)

تخريج: [حسن] يأتي: ٤٥٣١ وأخرجه البيهقي: ٢٩/٨ من حديث أبي داود به * ابن إسحاق صرح بالسماع عند البيهقي، وتابعه يحيى بن سعيد وعبد الرحمن بن الحارث وغيرهما.

2752. It was reported from Iyās bin Salamah, from his father: “‘Abdur-Rahmān bin ‘Uyainah raided the camels of the Messenger of Allāh ﷺ, killed their herdsman and drove them away with some people who were with him on their horses. I turned my face towards Al-Madīnah and shouted three times: ‘A morning raid! Then I started to

٢٧٥١ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ ابْنِ إِسْحَاقَ، هُوَ مُحَمَّدٌ بَعْضُ هَذَا؛ ح: وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ قَالَ: حَدَّثَنِي هُشَيْمٌ عَنْ يَحْيَى بْنِ سَعِيدٍ جَمِيعًا، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْمُسْلِمُونَ تَتَكَافَأُ دِمَاؤُهُمْ يَسْعَى بِلَدْمَتِهِمْ أَدْنَاهُمْ وَيُجِيرُ عَلَيْهِمْ أَفْصَاهُمْ، وَهُمْ يَدُّ عَلَى مَنْ سِوَاهُمْ، يَرُدُّ مُشِدَّهُمْ عَلَى مُضْعِفِهِمْ، وَمُنْتَسِرِيهِمْ عَلَى قَاعِدِهِمْ، لَا يُقْتَلُ مُؤْمِنٌ بِكَافِرٍ وَلَا ذُو عَهْدٍ فِي عَهْدِهِ».

وَلَمْ يَذْكُرْ ابْنُ إِسْحَاقَ الْقَوْدَ وَالتَّكَافِي.

٢٧٥٢ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: أَخْبَرَنَا هَاشِمُ بْنُ الْقَاسِمِ: حَدَّثَنَا عِكْرَمَةُ: حَدَّثَنِي إِيَّاسُ بْنُ سَلَمَةَ عَنْ أَبِيهِ قَالَ: أَغَارَ عَبْدُ الرَّحْمَنِ بْنُ عُثَيْنَةَ عَلَى إِبِلِ رَسُولِ اللَّهِ ﷺ فَقَتَلَ رَاعِيَهَا وَخَرَجَ يَطْرُدُهَا هُوَ وَأَنَاسٌ مَعَهُ فِي خَيْلٍ، فَجَعَلْتُ وَجْهِي قِبَلَ الْمَدِينَةِ ثُمَّ نَادَيْتُ ثَلَاثَ مَرَّاتٍ: يَا صَبَاحَاهُ! ثُمَّ اتَّبَعْتُ

chase them, while shooting them with arrows and hamstringing their animals. Whenever a horseman returned towards me, I sat at the foot of a tree, until there was no mounting animals created by Allāh for the Prophet ﷺ but I kept it behind my back (i.e., I got them all back). They (the enemies) threw away more than thirty lances and thirty cloaks to lighten their load. Then reinforcements from 'Uyainah came for them. They said: 'A few of you should go to him.' Four of them stood and came towards me, and they climbed the mountain. When I could make them hear me, I said: 'Do you people know me?' They said: 'And who you are?' I said: 'I am son of Al-Akwa'. By Him Who blessed the face of Muḥammad! Any one of you who seek me, will not be able to get me, and whomever I seek, he will not get away.' While I was still there, I saw the horsemen of the Messenger of Allāh ﷺ coming through the trees. The first among them was Al-Akhram Al-Asadī. He caught up with 'Abdur-Raḥmān bin 'Uyainah and 'Abdur-Raḥmān turned towards him. They attacked each other with lances. Al-Akhram hamstrung the horse of 'Abdur-Raḥmān and 'Abdur-Raḥmān pierced a lance into his body and killed him. Then 'Abdur-Raḥmān turned to the horse of Al-Akhram. Abū Qatādah caught up with 'Abdur-Raḥmān and they attacked each other with their lances. He hamstrung the horse of

الْفَقَوْمَ فَجَعَلْتُ أَرْمِي وَأَغْقِرُهُمْ، فَإِذَا رَجَعَ إِلَيَّ فَارِسٌ جَلَسْتُ فِي أَصْلِ شَجَرَةٍ حَتَّى مَا خَلَقَ اللَّهُ شَيْئًا مِنْ ظَهْرِ النَّبِيِّ ﷺ إِلَّا جَعَلْتُهُ وَرَاءَ ظَهْرِي وَحَتَّى أَلْقَوْا أَكْثَرَ مِنْ ثَلَاثِينَ رُمْحًا وَثَلَاثِينَ بُرْدَةً يَسْتَحْفُونَ مِنْهَا ثُمَّ أَنَاهُمْ عُيَيْنَةُ مَدَدًا، فَقَالَ: لَيْسَ إِلَيْهِ نَفَرٌ مِنْكُمْ، فَقَامَ إِلَيَّ أَرْبَعَةٌ مِنْهُمْ وَصَعِدُوا الْجَبَلَ، فَلَمَّا أَسْمَعْتُهُمْ قُلْتُ: أَتَعْرِفُونِي؟ قَالُوا: وَمَنْ أَنْتَ؟ قُلْتُ: أَنَا ابْنُ الْأَكْوَعِ، وَالَّذِي كَرَّمَ وَجْهَ مُحَمَّدٍ! لَا يَطْلُبُنِي رَجُلٌ مِنْكُمْ فَيَذِرْكُنِي وَلَا أَطْلُبُهُ فَيَمُوتُنِي فَمَا بَرِحْتُ حَتَّى نَظَرْتُ إِلَى فَوَارِسِ رَسُولِ اللَّهِ ﷺ يَتَخَلَّلُونَ الشَّجَرَ أُولَهُمُ الْأَخْرَمُ الْأَسَدِيُّ، فَيَلْحَقُ بِعَبْدِ الرَّحْمَنِ بْنِ عُيَيْنَةَ وَيَعْطِفُ عَلَيْهِ عَبْدُ الرَّحْمَنِ فَاخْتَلَفَا طَعْنَتَيْنِ، فَعَقَرَ الْأَخْرَمُ عَبْدَ الرَّحْمَنِ، وَطَعَنَهُ عَبْدُ الرَّحْمَنِ فَقَتَلَهُ، فَتَحَوَّلَ عَبْدُ الرَّحْمَنِ عَلَى فَرَسِ الْأَخْرَمِ فَيَلْحَقُ أَبُو قَتَادَةَ بِعَبْدِ الرَّحْمَنِ فَاخْتَلَفَا طَعْنَتَيْنِ فَعَقَرَ بِأَيْ قَتَادَةَ وَقَتَلَهُ أَبُو قَتَادَةَ فَتَحَوَّلَ أَبُو قَتَادَةَ عَلَى فَرَسِ الْأَخْرَمِ ثُمَّ جِئْتُ إِلَى رَسُولِ اللَّهِ ﷺ وَهُوَ عَلَى الْمَاءِ الَّذِي جَلِبْتُهُمْ عَنْهُ ذُو قَرْدٍ فَإِذَا نَبِيُّ اللَّهِ ﷺ فِي خَمْسِمِائَةٍ، فَأَعْطَانِي سَهْمَ الْفَارِسِ وَالرَّاجِلِ.

Abū Qatādah and Abū Qatādah killed him. Then Abū Qatādah turned toward the horse of Al-Akhram. I came to the Messenger of Allāh ﷺ, who was at the same place of water from where I drove them away, called Dhu Qard. Allāh's Prophet ﷺ was among five hundred men. He gave me the share of a horseman and a footman." (*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] أخرجه مسلم، الجهاد والسير، باب غزوة ذي قرد وغيرها، ح: ١٨٠٧ من حديث هاشم بن القاسم به ورواه أحمد: ٥١/٤، ٥٢ عن هاشم به.

Comments:

Yā Ṣabāḥah, translated here as 'A morning raid!' is in fact a cry of alarm. It is normally called from a place of eminence to attract the attention of the populace.

Chapter 148. Regarding The Nafl Of Gold And Silver, And From The Spoils Gained In The Beginning (Of The Battle)

2753. Abū Al-Juwaitriyah Al-Jarmī said: "I found a red container containing Dinārs in the territory of the Romans during the leadership of Mu'āwiyah. Our commander was a man from the Companions of the Prophet ﷺ from Banū Sulaim named Ma'as bin Yazīd. I brought it to him, and he distributed it among the Muslims (those who were in the battle) and gave me the same portion as he had given to each of them. Then he said: 'If I had not heard the Messenger of Allāh ﷺ saying: "There is no *Nafl* except after the *Khumus*" — I would have given to you. He then presented his own share to me but I refused." (*Ṣaḥīḥ*)

(المعجم ١٤٨) بَابُ: فِي النَّفْلِ مِنَ الذَّهَبِ وَالْفِضَّةِ وَمِنْ أَوَّلِ مَغْنَمٍ (التحفة ١٦٠)

٢٧٥٣ - حَدَّثَنَا أَبُو صَالِحٍ مَحْبُوبٌ بْنُ مُوسَى قَالَ: أَخْبَرَنَا أَبُو إِسْحَاقَ الْفَزَارِيُّ عَنْ عَاصِمِ بْنِ كُلَيْبٍ، عَنْ أَبِي الْجَوَيْرِيَةِ الْجَرْمِيِّ قَالَ: أَصَبْتُ بِأَرْضِ الرُّومِ جَرَّةَ حَمَرَاءَ فِيهَا دَنَانِيرُ فِي إِمْرَةٍ مُعَاوِيَةَ وَعَلَيْنَا رَجُلٌ مِنْ أَصْحَابِ النَّبِيِّ ﷺ مِنْ بَنِي سُلَيْمٍ يُقَالُ لَهُ: مَعْنُ بْنُ يَزِيدَ، فَأَتَيْتُهُ بِهَا فَقَسَمَهَا بَيْنَ الْمُسْلِمِينَ وَأَعْطَانِي مِنْهَا مِثْلَ مَا أَعْطَى رَجُلًا مِنْهُمْ ثُمَّ قَالَ: لَوْلَا أَنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا نَفْلَ إِلَّا بَعْدَ الْخُمْسِ» لَأَعْطَيْتُكَ ثُمَّ أَخَذَ يَغْرِضُ عَلَيَّ مِنْ نَصِيْبِهِ فَأَبَيْتُ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٤٧٠/٣ من حديث عاصم بن كليب به.

2754. (Another chain) with its meaning. (Ṣaḥīḥ)

٢٧٥٤ - حَدَّثَنَا هَنَادٌ عَنْ ابْنِ الْمُبَارَكِ، عَنْ أَبِي عَوَانَةَ، عَنْ عَاصِمِ بْنِ كُليبٍ بِإِسْنَادِهِ وَمَعْنَاهُ.

تخريج: [إسناده صحيح] أخرجه أحمد: ٤٧٠/٣ من حديث أبي عوانة به، انظر الحديث السابق.

Chapter 149. Regarding The Imām Taking Something From The Fai' For Himself

2755. It was reported from 'Amr bin 'Abasah who said: "The Messenger of Allāh ﷺ led us in a prayer facing towards a camel belonging to the spoils. After he said the *Taslim*, he took hold of some of the hair on the side of the camel and said: "The likes of this, from your spoils, is not lawful for me, except for the *Khumus*, and the *Khumus* is returned back to you."^[1] (Ṣaḥīḥ)

(المعجم ١٤٩) بَابُ: فِي الْإِمَامِ يَسْتَأْثِرُ بِشَيْءٍ مِنَ الْفَيْءِ لِنَفْسِهِ (التحفة ١٦١)

٢٧٥٥ - حَدَّثَنَا الْوَلِيدُ بْنُ عُثْبَةَ قَالَ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْعَلَاءِ أَنَّهُ سَمِعَ أَبَا سَلَامٍ الْأَسْوَدَ قَالَ: سَمِعْتُ عَمْرَو بْنَ عَبْسَةَ قَالَ: صَلَّى بِنَا رَسُولُ اللَّهِ ﷺ إِلَى بَعِيرٍ مِنَ الْمَغْنَمِ فَلَمَّا سَلَّمَ أَخَذَ وَبَرَةً مِنْ جَنْبِ الْبَعِيرِ ثُمَّ قَالَ: «وَلَا يَحِلُّ لِي مِنْ غَنَائِمِكُمْ مِثْلُ هَذَا إِلَّا الْخُمْسُ، وَالْخُمْسُ مَرْدُودٌ فِيكُمْ».

تخريج: [إسناده صحيح] أخرجه البيهقي: ٣٣٩/٦ من حديث أبي داود به.

Chapter 150. Regarding Fulfilling The Covenant

2756. It was reported from Ibn 'Umar that the Messenger of Allāh ﷺ said: "Indeed the treacherous person will have a banner planted for him on the Day of Judgment, and it will then be announced: "This is treachery of so-and-so, son of so-and-so."^[1] (Ṣaḥīḥ)

(المعجم ١٥٠) بَابُ: فِي الْوَفَاءِ بِالْعَهْدِ (التحفة ١٦٢)

٢٧٥٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ الْعَادِرَ يَنْصَبُ لَهُ لَوَاءٌ يَوْمَ الْقِيَامَةِ يَقَالُ: هَذِهِ غَدْرَةُ فُلَانٍ بْنِ فُلَانٍ».

تخريج: أخرجه البخاري، الأدب، باب ما يدعى الناس بأبائهم، ح: ٦١٧٨ من حديث مالك به، وله طريق آخر عند مسلم، ح: ١٧٣٥.

[1] Similar preceded in a different narration (no. 2694) with the word *Fai'* instead of "your spoils" (*Ghanā'imikum*) as it is here.

Comments:

It means the person concerned shall be humiliated in this way and it will be announced that what he is getting is the punishment for his treachery.

Chapter 151. Regarding The Imām Is The Shield Of The Covenant

(المعجم ١٥١) بَابُ: فِي الْإِمَامِ يُسْتَجَنُّ
بِهِ فِي الْعُهُودِ (التحفة ١٦٣)

2757. It was reported from Abū Hurairah that the Messenger of Allāh ﷺ said: "The Imām is only a shield that is fought for." (*Hasan*)

٢٧٥٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ الْبَزَّازُ:
حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ أَبِي الزِّنَادِ عَنْ أَبِي
الزِّنَادِ، عَنِ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ
رَسُولُ اللَّهِ ﷺ: «إِنَّمَا الْإِمَامُ جُنَّةٌ يُقَاتَلُ بِهِ».

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٢٣/٩ من حديث أبي داود به، ورواه البخاري، ح: ٢٩٥٧، ومسلم، ح: ١٨٤١ من حديث أبي الزناد به.

Comments:

It is, therefore, essential that all the people respect the treaties that the leader concluded with any disbelievers.

2758. It was reported from Bukair bin Al-Ashajj, from Al-Hasan bin 'Alī bin Abī Rāfi', that Abī Rāfi' informed him, he said: "The Quraish sent me to the Messenger of Allāh ﷺ. So when I saw the Messenger of Allāh ﷺ, Islam radiated in my heart, so I said: 'O Messenger of Allāh! By Allāh! I will not go back to them ever.' The Messenger of Allāh ﷺ said: 'I do not break a covenant, nor imprison a messenger, return back. If you still feel in yourself then what you feel now, then you can return.'" He said: 'So I went, and then came back to the Prophet ﷺ and accepted Islam.'" (*Sahih*)

Bukair said: "And he informed me that Abū Rāfi' was a Coptic."

Abū Dāwud said: That was during that time, but today there is no benefit in it.

٢٧٥٨ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا
عَبْدُ اللَّهِ بْنُ وَهَبٍ: أَخْبَرَنِي عَمْرُو عَنْ بُكَيْرِ
ابْنِ الْأَشَجِّ، عَنِ الْحَسَنِ بْنِ عَلِيٍّ بْنِ أَبِي
رَافِعٍ أَنَّ أَبَا رَافِعٍ أَخْبَرَهُ قَالَ: بَعَثَنِي قُرَيْشٌ
إِلَى رَسُولِ اللَّهِ ﷺ فَلَمَّا رَأَيْتُ رَسُولَ اللَّهِ ﷺ
أُلْقِيَ فِي قَلْبِي الْإِسْلَامُ فَقُلْتُ: يَا رَسُولَ اللَّهِ!
إِنِّي وَاللَّهِ! لَا أَرْجِعُ إِلَيْهِمْ أَبَدًا، فَقَالَ رَسُولُ
اللَّهِ ﷺ: «إِنِّي لَا أَخِيسُ بِالْعَهْدِ وَلَا أَخِيسُ
الْبُرْدَ وَلَكِنْ أَرْجِعُ فَإِنْ كَانَ فِي نَفْسِكَ الَّذِي
فِي نَفْسِكَ الْآنَ فَارْجِعْ». قَالَ: فَذَهَبْتُ ثُمَّ
أَتَيْتُ النَّبِيَّ ﷺ فَأَسْلَمْتُ. قَالَ بُكَيْرٌ:
وَأَخْبَرَنِي أَنَّ أَبَا رَافِعٍ كَانَ قِطِيًّا.
قَالَ أَبُو دَاوُدَ: هَذَا كَانَ فِي ذَلِكَ الزَّمَانِ،
وَالْيَوْمَ لَا يَصْلُحُ.

تخريج: [إسناده صحيح] أخرجه النسائي في الكبرى، ح: ٨٦٧٤ من حديث عبدالله بن وهب به، وصححه ابن حبان (موارد): ١٦٣٠.

Comments:

Regarding the author's statement "That was during that time" — it is not clear which part of the narration he intends, it is said that it means that he only sent him back because of a treaty, but the general rule is not to do so now.

Chapter 152. Regarding There Being A Covenant Between The Imām And The Enemy, And He Advances Towards Them (To Attack)

2759. It was reported from Shu'bah, from Abū Al-Faiḍ, from Sulaim bin 'Āmir — a man from Ḥimyar — who said: "There was a covenant between Mu'āwiyah and the Romans. He started to proceed towards their country, so that when the covenant came to an end, he would attack them. A man came on a horse, or a Turkish horse. saying: 'Allāhu Akbaru, Allāhu Akbar. Fulfill (the covenant) and do not be treacherous.' When they looked towards him, they saw he was 'Amr bin 'Abasah. Mu'āwiyah sent for him and questioned him. He said: 'I heard the Messenger of Allāh ﷺ saying: "Anyone who has a covenant with people, he is not to strengthen it nor loosen it, until the covenant has expired, or both parties bring it to an end." So Mu'āwiyah returned. (*Ṣaḥīḥ*)

(المعجم ١٥٢) **بَابُ: فِي الْإِمَامِ يَكُونُ بَيْنَهُ وَبَيْنَ الْعَدُوِّ عَهْدٌ فَيَسِيرُ نَحْوَهُ**
(التحفة ١٦٤)

٢٧٥٩ - حَدَّثَنَا حَنْصُ بْنُ عُمَرَ النَّمَرِيُّ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي الْفَيْضِ، عَنْ سُلَيْمِ بْنِ عَامِرٍ - رَجُلٍ مِنْ حِمْيَرَ - قَالَ: كَانَ بَيْنَ مُعَاوِيَةَ وَبَيْنَ الرُّومِ عَهْدٌ وَكَانَ يَسِيرُ نَحْوَ بِلَادِهِمْ، حَتَّى إِذَا انْقَضَى الْعَهْدُ غَزَاهُمْ، فَجَاءَ رَجُلٌ عَلَى فَرَسٍ أَوْ بِرَدَوْنٍ وَهُوَ يَقُولُ: اللَّهُ أَكْبَرُ اللَّهُ أَكْبَرُ، وَفَاءٌ لَا عَدْرَ، فَتَنَظَرُوا فَإِذَا عَمْرُو بْنُ عَبْسَةَ، فَأَرْسَلَ إِلَيْهِ مُعَاوِيَةُ فَسَأَلَهُ فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ كَانَ بَيْنَهُ وَبَيْنَ قَوْمٍ عَهْدٌ فَلَا يَشُدُّ عُقْدَةً وَلَا يَحُلُّهَا حَتَّى يَنْقَضِيَ أَمْلُهَا، أَوْ يَنْبِذَ إِلَيْهِمْ عَلَى سَوَاءٍ»، فَارْجَعَ مُعَاوِيَةُ.

تخريج: [إسناده صحيح] أخرجه الترمذي، السير، باب ما جاء في الغدر، ح: ١٥٨٠ من حديث شعبة به، وقال: "حسن صحيح" وصححه ابن حبان، ح: ١٦٨١.

Chapter 153. Regarding Fulfilling The Agreement For One Who Has A Covenant, And The Sanctity Of His Protection

(المعجم ١٥٣) بَابُ: فِي الْوَفَاءِ
لِلْمُعَاهِدِ وَحُرْمَةِ ذِمَّتِهِ (التحفة ١٦٥)

2760. It was reported from Abū Bakrah who said: “The Messenger of Allāh ﷺ said: ‘Anyone who kills a person to whom a covenant was granted prior to its expiration, Allāh will forbid him from entering Paradise.’” (*Ṣaḥīḥ*)

٢٧٦٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ عَنْ عُيَيْنَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي بَكْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ قَتَلَ مُعَاهِدًا فِي غَيْرِ كُنْهٍ حَرَّمَ اللَّهُ عَلَيْهِ الْجَنَّةَ».

تخريج: [إسناده صحيح] أخرجه النسائي، القسامة، باب تعظيم قتل المعاهد، ح: ٤٧٥١ من حديث عيينة بن عبد الرحمن به.

Chapter 154. Regarding Sending Messengers

(المعجم ١٥٤) بَابُ: فِي الرُّسُلِ
(التحفة ١٦٦)

2761. It was reported from Salamah, meaning Ibn Al-Faḍl, from Muḥammad bin Ishāq, who said: “Musailimah wrote to Allāh’s Messenger ﷺ.” He said: “And Muḥammad bin Ishāq narrated to me, from a *Shaiikh*, from *Ashja’* named Sa’d bin Ṭāriq, from Salamah bin Nu’aim bin Mas’ūd Al-Ashja’i, from his father, Nu’aim, who said: ‘I heard the Messenger of Allāh ﷺ say to the two of them (the messengers) after he was read the letter from Musailimah: “What do you to believe (in)?” They said: “We believe as he believes.” He said: “By Allāh! If it wasn’t that the messengers are not to be killed, I would have cut off their heads.”’ (*Ḥasan*)

٢٧٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو الرَّازِي: حَدَّثَنَا سَلَمَةُ يَعْنِي ابْنَ الْفَضْلِ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ قَالَ: كَانَ مُسَيْلِمَةُ كَتَبَ إِلَى رَسُولِ اللَّهِ ﷺ، قَالَ: وَقَدْ حَدَّثَنِي مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ شَيْخٍ مِنْ أَشْجَعٍ يُقَالُ لَهُ: سَعْدُ بْنُ طَارِقٍ، عَنْ سَلَمَةَ بْنِ نُعَيْمٍ بْنِ مَسْعُودٍ الْأَشْجَعِيِّ، عَنْ أَبِيهِ نُعَيْمٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ لَهُمَا حِينَ قَرَأَ كِتَابَ مُسَيْلِمَةَ: «مَا تَقُولَانِ أَتَمَّا؟» قَالَا: نَقُولُ كَمَا قَالَ، قَالَ: «أَمَّا وَاللَّهِ! لَوْلَا أَنَّ الرُّسُلَ لَا تُقْتَلُ لَضَرَبْتُ أَعْنَاقَكُمَا».

تخريج: [إسناده حسن] أخرجه أحمد: ٤٨٧/٣ من حديث سلمة بن الفضل به وصححه الحاكم على شرط مسلم: ١٤٣/٢، ٥٢/٣ ووافقه الذهبي.

Comments:

Islam forbids the killing of an envoy or messenger sent by his leader even if he speaks words of disbelief before the Muslim ruler.

2762. It was reported from Hārithah bin Muḍarrib that he came to ‘Abdullāh, and said: “There is no hatred between myself and any of the Arabs. I passed by a *Masjid* of Banū Hanifah, and found them believing in Musailimah (as a Prophet).” ‘Abdullāh sent for them. They were brought to him. He advised them to repent, which they did, except for Ibn An-Nawwāḥah. He said to him: “I heard the Messenger of Allāh ﷺ say: ‘If it wasn’t that you are a messenger I would have cut off your neck’ and you are not a messenger today. He ordered Qarazah bin Ka’b to cut off his head at the market. Then he said: ‘Whoever wants to see Ibn An-Nawwāḥah, (he can go and see him) killed in the market.’” (*Da‘īf*)

٢٧٦٢ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ أَبِي إِسْحَاقَ، عَنْ حَارِثَةَ بْنِ مُضَرِّبٍ أَنَّهُ أَتَى عَبْدَ اللَّهِ فَقَالَ: مَا بَيْنِي وَبَيْنَ أَحَدٍ مِنَ الْعَرَبِ حِنَّةٌ وَإِنِّي مَرَرْتُ بِمَسْجِدٍ لِبَنِي حَنِيفَةَ فَإِذَا هُمْ يُؤْمِنُونَ بِمُسَيْلِمَةَ، فَأَرْسَلَ إِلَيْهِمْ عَبْدَ اللَّهِ، فَجِئَ بِهِمْ فَاسْتَبَاهُمُ غَيْرَ ابْنِ النَّوَاحَةِ قَالَ لَهُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَوْلَا أَنَّكَ رَسُولٌ لَضَرَبْتُ عُنُقَكَ» فَأَنْتَ الْيَوْمَ لَسْتَ بِرَسُولٍ، فَأَمَرَ قَرَظَةَ بْنَ كَعْبٍ، فَضَرَبَ عُنُقَهُ فِي السُّوقِ، ثُمَّ قَالَ: مَنْ أَرَادَ أَنْ يَنْظُرَ إِلَى ابْنِ النَّوَاحَةِ فَتَيَّلًا بِالسُّوقِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢١١/٩ من حديث أبي داود به، ورواه أحمد: ١/٣٨٤ والنسائي في الكبرى، ح: ٨٦٧٥ وصححه ابن حبان، ح: ١٦٢٩ وللحديث شواهد كثيرة عند أحمد: ١/٣٩٦ والحاكم: ٣/٥٣ وغيرهما * أبو إسحاق عن.

Chapter 155. Regarding Protection Granted By A Woman

(المعجم ١٥٥) **بَابُ: فِي أَمَانِ الْمَرْأَةِ**
(التحفة ١٦٧)

2763. Ibn ‘Abbās said: “Umm Hanī’, daughter of Abū Ṭālib narrated to me, that she granted protection to a man from among the idolaters on the Day of the Conquest (of Makkah). She came to the Messenger of Allāh ﷺ and

٢٧٦٣ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي عِيَاضُ بْنُ عَبْدِ اللَّهِ عَنْ مَخْرَمَةَ بْنِ سُلَيْمَانَ، عَنْ كُرَيْبٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: حَدَّثَنِي أُمُّ هَانِئٍ بِنْتُ أَبِي

told him about it. He said: 'We have given protection and security to those whom you have given it.'" (Hasan)

طَالِبٍ: أَنَّهَا أَجَارَتْ رَجُلًا مِنَ الْمُشْرِكِينَ يَوْمَ الْفَتْحِ فَأَتَتْ النَّبِيَّ ﷺ فَذَكَرَتْ ذَلِكَ لَهُ، قَالَ: فَقَالَ: «قَدْ أَجَرْنَا مَنْ أَجَرْتَ وَأَمَّا مَنْ آمَنْتَ».

تخريج: [حسن] تقدم بعضه، ح: ١٢٩٠ وأخرجه النسائي في الكبرى، ح: ٨٦٨٥ من حديث عبدالله بن وهب به.

2764. It was reported from 'Āishah, who said: "A woman from the believers would give protection and it was allowed." (Da'if)

٢٧٦٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: أَخْبَرَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنِ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: إِنْ كَانَتِ الْمَرْأَةُ لَتَجِيرَ عَلَى الْمُؤْمِنِينَ فَيَجُوزُ.

تخريج: [إسناده ضعيف] أخرجه النسائي في الكبرى، ح: ٨٦٨٣ من حديث إبراهيم النخعي به، وهو مدلس وعنن وللهديث شواهد.

Comments:

A protection granted by the least of Muslims to a non-believer becomes binding on all Muslims.

Chapter 156. Regarding Treaties With The Enemy

(المعجم ١٥٦) بَابُ: فِي صَلَاحِ الْعَدُوِّ
(التحفة ١٦٨)

2765. Al-Miswar bin Makḥramah said: The Messenger of Allāh ﷺ went out during the Year of Al-Ḥudaibiyah with more than ten hundred of his Companions. When they arrived at Dhul-Ḥulaifah, he garlanded and marked the sacrificial animals and entered Iḥrām for 'Umrah.' He (the narrator) then cited the Ḥadīth. "The Prophet ﷺ continued on his journey until he arrived to the mountain pass from where one descends them (in Makkah), where his mount knelt down. People said: 'Go on, go on! Al-Qaṣwā has become obstinate!' — twice — the

٢٧٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ أَنَّ مُحَمَّدَ ابْنَ نُوَيْرٍ حَدَّثَهُمْ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ قَالَ: خَرَجَ رَسُولُ اللَّهِ ﷺ زَمَنَ الْحُدَيْبِيَّةِ فِي بَضْعِ عَشْرَةِ مِائَةٍ مِنْ أَصْحَابِهِ حَتَّى إِذَا كَانُوا بِذِي الْحُلَيْفَةِ قَلَدَ الْهَذْيَ وَأَشْعَرَهُ، وَأَحْرَمَ بِالْعُمْرَةِ. وَسَاقَ الْحَدِيثَ. قَالَ: وَسَارَ النَّبِيُّ ﷺ حَتَّى إِذَا كَانَ بِالنَّبِيَّةِ الَّتِي يُهْطُ عَلَيْهِمْ مِنْهَا بَرَكَتْ بِهِ رَاحِلَتُهُ، فَقَالَ النَّاسُ: حُلْ حُلْ! خَلَّاتِ الْقُصْوَى - مَرَّتَيْنِ - فَقَالَ النَّبِيُّ ﷺ: «مَا خَلَّاتُ وَمَا ذَلِكَ لَهَا بِخُلَّتٍ وَلَكِنْ

Prophet ﷺ said: 'She has not become obstinate, and it is not her character, but she has been restrained by the One who restrained the elephant.' Then he said: 'By Him in whose Hand is my soul! Anything they ask me today, by which they honor what Allāh has made sacred, I would grant it to them.' Then he rebuked her and she leapt up. He turned aside from them until he came to the farthest side of Al-Hudaibiyah to a pool with little bit of water. Budail bin Warqā' Al-Khuzā'i came to him, and then 'Urwah bin Mas'ūd joined him. He started to speak to the Prophet ﷺ. Whenever he spoke a word to him, he took hold of his beard while Al-Mughīrah bin Shu'bah was standing guard for the Prophet ﷺ with a sword, wearing a helmet. He hit his ('Urwah's) hand with the lower end of his sheath and said: 'Take your hands off of his beard.' 'Urwah raised his head and said: 'Who is this?' They replied: 'Al-Mughīrah bin Shu'bah.' He said: 'O treacherous one! Did I not endeavour to distinguish the evil of your treachery?' — During *Jāhiliyyah* Al-Mughīrah accompanied some people, murdered them, took their wealth and then he came and accepted Islam. The Prophet ﷺ said: 'As for your Islam we have accepted it, but in regard to the property, it is wealth of treachery, we have no need of it.' He mentioned the *Hadūh*. — "So the Prophet ﷺ said: 'Write down: This is what

حَبَسَهَا حَاسِئُ الْفِيلِ» ثُمَّ قَالَ: «وَالَّذِي نَفْسِي بِيَدِهِ! لَا يَسْأَلُونِي الْيَوْمَ خُطَّةً يُعْطَمُونَ بِهَا حُرْمَاتِ اللَّهِ إِلَّا أَعْطَيْتُهُمْ إِيَّاهَا»، ثُمَّ رَجَعَهَا فَوَثَّتْ فَعَدَلَتْ عَنْهُمْ حَتَّى نَزَلَ بِأَفْصَى الْحُدَيْبِيَّةِ عَلَى ثَمَدٍ قَلِيلِ الْمَاءِ فَجَاءَهُ بُدَيْلُ بْنُ وَرْقَاءَ الْخُزَاعِيِّ ثُمَّ أَنَاهُ يَغْنِي عُزُورَةً بَنَ مَسْعُودٍ، فَجَعَلَ يُكَلِّمُ النَّبِيَّ ﷺ فَكَلَّمَا كَلَّمَهُ [بِكَلِمَةٍ] أَخَذَ بِلِحْيَتِهِ وَالْمُغِيرَةُ بْنُ شُعْبَةَ قَامَتْ عَلَى النَّبِيِّ ﷺ وَمَعَهُ السَّيْفُ وَعَلَيْهِ الْمَغْفَرُ، فَضَرَبَ يَدَهُ بِثَغْلِ السَّيْفِ وَقَالَ: أَخْرَجْ يَدَكَ عَنْ لِحْيَتِي، فَرَفَعَ عُزُورَةَ رَأْسَهُ، فَقَالَ: مَنْ هَذَا؟ قَالُوا: الْمُغِيرَةُ بْنُ شُعْبَةَ، قَالَ: أَيُّ غَدْرًا! أَوَلَسْتُ أَسْعَى فِي غَدْرَتِكَ؟ - وَكَانَ الْمُغِيرَةُ صَحْبَ قَوْمًا فِي الْجَاهِلِيَّةِ فَقَتَلَهُمْ وَأَخَذَ أَمْوَالَهُمْ ثُمَّ جَاءَ فَأَسْلَمَ، فَقَالَ النَّبِيُّ ﷺ: «أَمَّا الْإِسْلَامُ فَقَدْ قَبِلْنَا وَأَمَّا الْمَالُ فَإِنَّهُ مَالٌ غَدْرٌ لَا حَاجَةَ لَنَا فِيهِ». فَذَكَرَ الْحَدِيثَ - فَقَالَ النَّبِيُّ ﷺ: «اكْتُبْ هَذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللَّهِ» وَقَصَّ الْحَبَرَ، فَقَالَ شَهِيلٌ: وَعَلَى أَنَّهُ لَا يَأْتِيكَ مِثْلُ رَجُلٍ وَإِنْ كَانَ عَلَى دِينِكَ إِلَّا رَدَدْتَهُ إِلَيْنَا، فَلَمَّا فَرَغَ مِنْ قَضِيَّةِ الْكِتَابِ قَالَ النَّبِيُّ ﷺ لِأَصْحَابِهِ: «قُومُوا فَانْحَرُوا ثُمَّ اخْلُقُوا» ثُمَّ جَاءَ نِسْوَةٌ مُؤْمِنَاتٌ مَهَاجِرَاتُ الْآيَةِ، فَهَاجَهُنَّ اللَّهُ أَنْ يَرُدُّوهُنَّ وَأَمَرَهُمْ أَنْ يَرُدُّوا الصَّدَاقَ ثُمَّ رَجَعَ إِلَى الْمَدِينَةِ فَجَاءَهُ أَبُو بَصِيرٍ رَجُلٌ مِنْ قُرَيْشٍ - يَغْنِي فَأَرْسَلُوا فِي طَلَبِهِ - فَدَفَعَهُ إِلَى

Muhammad, the Messenger of Allāh has decided.” — And he mentioned the story. — “Then Suhail said: ‘If any man from among us comes to you, even if he follows your religion, you should return him back to us.’ When the document was concluded the Prophet ﷺ said to his Companions: ‘Get up, sacrifice and then shave (your heads).’ Thereafter, some believing women came emigrating, (he mentioned the) Verse.^[1] So Allāh forbade sending them back, and he ordered the dowry to be returned to their husbands. Then he returned back to Al-Madīnah. Abū Baṣīr — a man from the Quraish (who was a Muslim) — came to him. They (the Quraish) sent (two men) looking for him. He handed him to the two men. They took him away, and when they reached Dhul-Hulaifah they dismounted to eat from the dates they had. Abū Baṣīr said to one of the two men: ‘By Allāh! What an excellent sword you have!’ The other one drew the sword and said: ‘Yes I have tried it.’ Abū Baṣīr said: ‘Let me see it.’ He gave it to him, and he struck him with it until he died. The other man fled away until he entered Al-Madīnah, and entered the Masjid running. The Prophet ﷺ said: ‘He has seen something frightening.’ He said: ‘By Allāh! My companion has been killed and I am very close to being killed.’ Then Abū Baṣīr arrived,

الرَّجُلَيْنِ فَخَرَجَا بِهِ حَتَّى إِذَا بَلَغَا ذَا الْحُلَيْفَةِ نَزَلُوا يَأْكُلُونَ مِنْ تَمْرِ لَهُمْ فَقَالَ أَبُو بَصِيرٍ: لِأَحَدِ الرَّجُلَيْنِ: وَاللَّهِ! إِنِّي لَأَرَى سَيْفَكَ هَذَا يَأْفُلَانِ! جَيْدًا فَاسْتَلَّهُ الْآخَرُ فَقَالَ: أَجَلُ قَدْ جَرَّبْتُ بِهِ، فَقَالَ أَبُو بَصِيرٍ أَرِنِي أَنْظُرُ إِلَيْهِ فَأَمَكَنَهُ مِنْهُ فَضْرِبُهُ حَتَّى بَرَدَ وَفَرَ الْآخَرُ حَتَّى أَتَى الْمَدِينَةَ فَدَخَلَ الْمَسْجِدَ يَعْدُو، فَقَالَ النَّبِيُّ ﷺ: «لَقَدْ رَأَى هَذَا دُعْرًا» فَقَالَ: قُتِلَ وَاللَّهِ! صَاحِبِي وَإِنِّي لَمَقْتُولٌ فَجَاءَ أَبُو بَصِيرٍ فَقَالَ: قَدْ أَوْفَى اللَّهُ ذِمَّتَكَ فَقَدْ رَدَدْتَنِي إِلَيْهِمْ ثُمَّ نَجَّانِي اللَّهُ مِنْهُمْ، فَقَالَ النَّبِيُّ ﷺ: «وَيْلُ أُمِّهِ مُسْعِرُ حَرْبٍ، لَوْ كَانَ لَهُ أَحَدٌ» فَلَمَّا سَمِعَ ذَلِكَ عَرَفَ أَنَّهُ سَيَرُّهُ إِلَيْهِمْ فَخَرَجَ حَتَّى أَتَى سَيْفَ الْبَحْرِ وَيَنْقِلُ أَبُو جَنْدَلٍ فَلَحِقَ بِأَبِي بَصِيرٍ حَتَّى اجْتَمَعَتْ مِنْهُمْ عِصَابَةٌ.

^[1] Meaning *Sūrat Al-Mumtahinah* 60:12.

and said: 'Allāh has fulfilled your covenant. You returned me back to them, but Allāh saved me from them.' The Prophet ﷺ said: 'Woe to his mother, inciter of war, if he has kinfolk.' When he heard this, he knew that he would send him back to them (again). So he left, until he arrived at the seashore, meanwhile Abū Jandal also escaped and joined Abū Baṣīr, until a band of them gathered.'" (Ṣaḥīḥ)

تخريج: وأخرجه البخاري، الشروط، باب الشروط في الجهاد والمصالحة مع أهل الحرب وكتابة الشروط، ح: ٢٧٣١، ٢٧٣٢ من حديث معمر به مطولاً.

Comments:

Al-Qaṣwā' was the name of the she-camel of the Prophet ﷺ.

2766. Al-Miswar bin Makhramah and Marwān bin Al-Ḥakam said: "They made a treaty to forsake war for ten years, during which the people would have security, and that we should be sincere to the stipulations of the covenant and should not steal or commit treachery." (Ḥasan)

٢٧٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ: حَدَّثَنَا
ابْنُ إِدْرِيسَ قَالَ: سَمِعْتُ ابْنَ إِسْحَاقَ عَنِ
الزُّهْرِيِّ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنِ الْمُسَوِّرِ
ابْنِ مَخْرَمَةَ وَمَرْوَانَ بْنِ الْحَكَمِ أَنَّهُمْ
اضْطَلَعُوا عَلَى وَضْعِ الْحَرْبِ عَشْرَ سِنِينَ
يَأْمَنُ فِيهِنَّ النَّاسُ وَعَلَى أَنَّ بَيْنَنَا عَيْبَةً مَكْفُوفَةً
وَأَنَّهُ لَا إِسْلَالَ وَلَا إِغْلَالَ.

تخريج: [حسن] * ابن إسحاق صرح بالسماع عند البيهقي في دلائل النبوة: ١٤٥/٤ وانظر الحديث السابق.

2767. Ḥassān bin 'Atīyyah said: "Makhūl and Ibn Abī Zakariyyā went to Khālīd bin Ma'dān, and I went along with them. He narrated to us from Jubair bin Nufair, he said: "Jubair said: 'Lets go to Dhu Mikhbar' — a man from the Companions of the Prophet ﷺ. 'We came to him and Jubair asked

٢٧٦٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ
التُّمَيْلِيُّ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا
الْأَوْزَاعِيُّ عَنْ حَسَّانَ بْنِ عَطِيَّةٍ قَالَ: مَالَ
مَكْحُولٌ وَابْنُ أَبِي زَكَرِيَّا إِلَى خَالِدِ بْنِ مَعْدَانَ
وَمِلْتُ مَعَهُمْ فَحَدَّثَنَا عَنْ جُبَيْرِ بْنِ نُفَيْرٍ قَالَ:
قَالَ جُبَيْرٌ: انْطَلَقْتُ بِنَا إِلَى ذِي مِخْبَرٍ - رَجُلٍ

him the about peace treaty. He said: 'I heard the Messenger of Allāh ﷺ saying: "You people will make a peace treaty with the Romans, and then you and they will fight an enemy behind you." (Ṣaḥīḥ)

مِنْ أَصْحَابِ النَّبِيِّ ﷺ - فَأَتَيْنَاهُ فَسَأَلَهُ جَبْرِ عَنْ الْهُدْنَةِ فَقَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «سَتُصَالِحُونَ الرُّومَ صَلَاحًا آمِنًا وَتَعُزُّوْنَ أَنْتُمْ وَهُمْ عَدَاؤًا مِنْ وَرَائِكُمْ».

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الفتن، باب الملاحم، ح: ٤٠٨٩ من حديث عيسى بن يونس به وصححه الحاكم: ٤/٢١١ ووافقه الذهبي.

Comments:

If expediency demands, a treaty of peace may be concluded with the enemy.

Chapter 157. To Attack The Enemy By Surprise And To Imitate Them

(المعجم ١٥٧) بَابُ: فِي الْعَدُوِّ يُؤْتَى عَلَى غَرَّةٍ وَيَتَشَبَّهُ بِهِمْ (التحفة ١٦٩)

2768. It was reported from Jābir who said: "The Messenger of Allāh ﷺ said: 'Who will kill Ka'b bin Al-Ashraf, for he has insulted Allāh and His Messenger.' Muḥammad bin Maslamah stood up and said: 'I will, O Messenger of Allāh! Would you like me to kill him?' He said: 'Yes.' He said: 'Will you permit me to say something (against you)?' He said: 'Yes, say it.' He then came to him (Ka'b) and said: 'This man (Muḥammad ﷺ) has asked us to give chairty and has put us through difficulties. He (Ka'b) said: 'And he is going to cause more grief for you.' He (Muḥammad bin Maslamah) said: 'As we have already followed him, we do not like to desert him as yet, until we see where his matter ends up. We wish if you could lend us a *Wasq* or two.' Ka'b said: 'What would you leave me as collateral?' He said: 'What do you want from us?' He

٢٧٦٨ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا سُفْيَانُ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ لِكَعْبِ بْنِ الْأَشْرَفِ فَإِنَّهُ قَدْ آذَى اللَّهَ وَرَسُولَهُ»، فَقَامَ مُحَمَّدُ بْنُ مَسْلَمَةَ فَقَالَ: أَنَا يَا رَسُولَ اللَّهِ! أَتُحِبُّ أَنْ أَقْتُلَهُ؟ قَالَ: «نَعَمْ» قَالَ: فَأَذَنْ لِي أَنْ أَقُولَ شَيْئًا؟ قَالَ: «نَعَمْ قُلْ»، فَأَتَاهُ فَقَالَ: إِنَّ هَذَا الرَّجُلَ قَدْ سَأَلَنَا الصَّدَقَةَ، وَقَدْ عَنَانَا، قَالَ: وَأَيْضًا لَتَمْلُئَهُ؟ قَالَ: اتَّبِعْنَاهُ فَتَحْنُ نَكْرُهُ أَنْ نَدَعُهُ حَتَّى نَنْظُرَ إِلَى أَيِّ شَيْءٍ يَصِيرُ أَمْرُهُ، وَقَدْ أَرَدْنَا أَنْ تُسْلِفَنَا وَسَقَا أَوْ وَسَقَيْنِ. قَالَ كَعْبٌ: أَيُّ شَيْءٍ تَرَاهُونِي؟ قَالَ: وَمَا تُرِيدُ مِنَّا؟ فَقَالَ: نِسَاءُكُمْ. قَالُوا: سُبْحَانَ اللَّهِ! أَنْتِ أَجْمَلُ الْعَرَبِ تَرَاهُنَّكِ نِسَاءً فَيَكُونُ ذَلِكَ عَارًا عَلَيْنَا، قَالَ: فَتَرَاهُونِي أَوْلَادَكُمْ، قَالُوا: سُبْحَانَ اللَّهِ! يُسِبُّ ابْنُ أَحَدِنَا فَيَقُولُ: رُهِنتُ

(Ka'b) said: 'Your women.' They said: '*Subhān Allāh!* You are the most beautiful of the Arabs. If we leave our women as collateral with you, it will be a disgrace for us.' He said: 'So leave your children as collateral with me.' They said: '*Subhān Allāh!* Our children may be abused. It might be said: "You were collateral for a *Wasq* or two."' They said: 'We will leave our armour' — they meant by these weapons. "He said: 'Yes.' When he came, and called him, he came outside to meet him. He had applied perfume, and it was spreading fragrance from his head. When he (Ka'b) sat beside him' — he had come with three or four persons with him — they said something to him about his perfume. He said: 'I have such and such woman with me. She is the most fragrant of the women among the people.' He (Muḥammad bin Maslamah) said: 'Would you give me permission to smell it?' He said: 'Yes.' He (Muḥammad bin Maslamah) then entered, put his hand in his hair and smelled it. He said: 'Can I do it again?' He said: 'Yes.' He put his hand in his hair. When he got ahold of him, he said: 'Take him.' They struck him until they killed him." (*Ṣaḥīḥ*)

بِوَسْطِي أَوْ وَسْقَيْنِ؟ قَالُوا: نَرَهْنُكَ اللَّامَةَ - يُرِيدُ السَّلَاحَ - قَالَ: نَعَمْ، فَلَمَّا أَتَاهُ نَادَاهُ فَخَرَجَ إِلَيْهِ وَهُوَ مُتَطَيَّبٌ يَنْضِجُ رَأْسَهُ، فَلَمَّا أَنْ جَلَسَ إِلَيْهِ - وَقَدْ كَانَ جَاءَ مَعَهُ بِنْفَرٍ ثَلَاثَةٍ أَوْ أَرْبَعَةٍ - فَذَكَّرُوا لَهُ، قَالَ: عِنْدِي فَلَانَةٌ، وَهِيَ أَغْطِرُ نِسَاءَ النَّاسِ، قَالَ: تَأْذُنُ لِي فَأَشْمُ؟ قَالَ: نَعَمْ فَادْخَلَ يَدَهُ فِي رَأْسِهِ فَشَمَّهُ، قَالَ: أَعُوذُ قَالَ: نَعَمْ فَادْخَلَ يَدَهُ فِي رَأْسِهِ فَلَمَّا اسْتَمَكَّنَ مِنْهُ قَالَ: دُونَكُمْ فَضَرَبُوهُ حَتَّى قَتَلُوهُ.

تخریج: أخرجه البخاري، الجهاد والسير، باب الكذب في الحرب، ح: ٣٠٣١، ومسلم، الجهاد والسير، باب قتل كعب بن الأشرف طاغوت اليهود، ح: ١٨٠١ من حديث سفيان بن عيينة به.

Comments:

Ka'b bin Ashraf was from the Jewish tribe of Banū Naḍīr. He was a poet, and an extremely rich man. He rabidly hated the Muslims and exhorted the

people to rise against the Messenger of Allāh ﷺ, and he slandered the Messenger of Allāh ﷺ. He committed a breach of treaty and, rather than join the Muslims in their defense against the disbelievers, he went all the way to Makkah and tried to persuade the polytheists to wage a war against the Muslims.

2769. It was reported from Abū Hurairah, from the Prophet ﷺ, who said: "Faith has prevented treacherous assassination. A believer does not commit treacherous assassination." (*Hasan*)

٢٧٦٩ - حَدَّثَنَا مُحَمَّدُ بْنُ حُرَابَةَ: حَدَّثَنَا إِسْحَاقُ يَعْنِي ابْنَ مَنْصُورٍ: حَدَّثَنَا أَسْبَاطُ الْهَمْدَانِيُّ عَنِ الشَّدِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «الْإِيمَانُ قَيْدَ الْقَتْلِ لَا يَفْتِكُ مُؤْمِنٌ».

تخريج: [حسن] أخرجه البخاري في التاريخ الكبير: ٤٠٣/١ من حديث إسحاق بن منصور به، وصححه الحاكم على شرط مسلم: ٣٥٢/٤ ووافقه الذهبي وللحديث شواهد.

Chapter 158. Regarding Saying "Allāhu Akbar" When Reaching Every High Ground During A Journey

(المعجم ١٥٨) بَابُ: فِي التَّكْبِيرِ عَلَى كُلِّ شَرَفٍ فِي الْمَسِيرِ (التحفة ١٧٠)

2770. It was reported from Nāfi', from 'Abdullāh bin 'Umar who said: "Whenever the Messenger of Allāh ﷺ would return from a battle, or Hajj, or 'Umrah he would say 'Allāhu Akbar' on every high ground. And he would say: 'Lā ilāha illallāh, waḥdahu lā sharika lahu, lahu-l-mulku wa lahu-l-hamdu, wa huwa 'alā kulli shai'in qadīr. Ā'ibūna tā'ibūna 'ābidūna sājidūna lirabbina ḥāmidūn. Ṣadaqallāhu wa'adahu, wa naṣara 'abdahu, wa hazamal-aḥzāba waḥdah (None has the right to be worshiped but Allāh Alone, without partner, to Whom belongs the dominion, to Whom all praise is due, and He has power over all things. We are returning; repenting, worshiping, prostrating and praising our Lord. Allāh has

٢٧٧٠ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إِذَا قَفَلَ مِنْ غَزْوٍ أَوْ حَجٍّ أَوْ عُمْرَةٍ يُكَبِّرُ عَلَى كُلِّ شَرَفٍ مِنَ الْأَرْضِ ثَلَاثَ تَكْبِيرَاتٍ وَيَقُولُ: «لَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ، آيُونَ تَائِبُونَ عَابِدُونَ سَاجِدُونَ لِرَبِّنَا حَامِدُونَ، صَدَقَ اللَّهُ وَعْدُهُ وَنَصَرَ عَبْدَهُ وَهَزَمَ الْأَحْزَابَ وَحْدَهُ».

kept His promise, supported His servant, and defeated the confederate alone).^[1]

تخريج: أخرجه البخاري، العمرة، باب ما يقول إذا رجع من الحج أو العمرة أو الغزو، ح: ١٧٩٧ ومسلم، الحج، باب ما يقول إذا رجع من سفر الحج وغيره، ح: ١٣٤٤ من حديث مالك به، وهو في الموطأ (يحيى): ٤٢١/١.

Chapter 159. Regarding The Permission For Returning From The Battle After It Had Been Prohibited

2771. It was reported from Ibn ‘Abbās, who said: “The Verse those who believe in Allāh and the Last Day would not ask your leave...”^[2] was abrogated by the Verse in (Sūrah) *An-Nūr*: ‘The believers are only those, who believe in Allāh and His Messenger...’ up to His saying: ‘Oft-forgiving, Most Merciful.’^[3] (Hasan)

(المعجم ١٥٩) بَابُ: فِي الْإِذْنِ فِي الْقُفُولِ بَعْدَ النَّهْيِ (التحفة ١٧١)

٢٧٧١ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنُ ثَابِتٍ الْمَرْوَزِيُّ: حَدَّثَنِي عَلِيُّ بْنُ الْحُسَيْنِ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: ﴿لَا يَسْتَنْذِلُكَ الَّذِينَ يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ﴾ [التوبة: ٤٤] الْآيَةِ نَسَخْنَاهَا الَّتِي فِي النُّورِ: ﴿إِنَّمَا الْمُؤْمِنُونَ الَّذِينَ ءَامَنُوا بِاللَّهِ وَرَسُولِهِ﴾ إِلَى قَوْلِهِ: ﴿عَفُورٌ رَحِيمٌ﴾ [النور: ٦٢].

تخريج: [إسناده حسن] أخرجه البيهقي: ١٧٣/٩ من حديث أبي داود به مختصراً.

Chapter 160. On Sending A Person Carrying Good News

2772. It was reported from Jarīr who said: “The Messenger of Allāh ﷺ said to me: ‘Will you not relieve me of *Dhul-Khalaṣah*?’” So he went to it, and burnt it down, then he sent a man from Aḥmas whose *Kunyah* was Abū Arṭāh to the Prophet ﷺ to give him the good news. (Ṣaḥīḥ)

(المعجم ١٦٠) بَابُ: فِي بَعْثِ الْبُشْرَاءِ (التحفة ١٧٢)

٢٧٧٢ - حَدَّثَنَا أَبُو تَوْبَةَ الرَّبِيعُ بْنُ نَافِعٍ: حَدَّثَنَا عِيسَى عَنْ إِسْمَاعِيلَ، عَنْ قَيْسٍ، عَنْ جَرِيرٍ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «أَلَا تُرِيدُنِي مِنْ ذِي الْخَلَصَةِ؟» فَأَتَاهَا فَحَرَقَهَا ثُمَّ بَعَثَ رَجُلًا مِنْ أَحْمَسَ إِلَى النَّبِيِّ ﷺ يُبَشِّرُهُ يُكْنَى أَبَا أَرْطَاةَ.

[1] See also no. 2599.

[2] *At-Tawbah* 9:44.

[3] *An-Nūr* 24:62.

تخريج: أخرجه البخاري، الجهاد والسير، باب البشارة في الفتوح، ح: ٣٠٧٦، ومسلم، فضائل الصحابة، باب: من فضائل جرير بن عبدالله رضي الله تعالى عنه، ح: ٢٤٧٦ من حديث إسماعيل بن أبي خالد به.

Comments:

Banū Khath'am had built a temple for themselves which they called Al-Ka'bah Al-Yamāniyyah. The house itself was named Khalaṣah and the idol as Dhūl-Khalaṣah. When Jarīr embraced Islam after the Conquest of Makkah, he fulfilled this mission.

Chapter 161. Regarding Giving A Present To The One Who Delivers Good News

(المعجم ١٦١) بَابُ: فِي إعْطَاءِ الْبَشِيرِ
(التحفة ١٧٣)

2773. ‘Abdullāh bin Ka'b said: "I heard Ka'b bin Mālīk saying: 'Whenever the Prophet ﷺ arrived from a journey he would start with the *Masjid*; he would pray two *Rak'ahs*, and then sit to receive people.'" (The narrator) Ibn As-Sarḥ then narrated rest of the *Hadīth*. — "The Messenger of Allāh ﷺ forbade the Muslims from talking to the three of us. After substantial time elapsed I ascended the wall of Abū Qatādah — who was my paternal cousin, and gave him *Salām*. By Allāh! He did not return my *Salām*. When I performed the *Subḥ* prayer on the morning of the fiftieth night on the roof of one of our houses, I heard a caller saying: 'O Ka'b bin Mālīk! Receive the good news!' When the man whose voice I heard with the good news came to me, I took off my garments and clothed him with them, then I went on until I entered the *Majid* and saw the Messenger of Allāh ﷺ sitting. Ṭalḥah bin 'Ubaiddullāh stood up and came hastily towards me,

٢٧٧٣ - حَدَّثَنَا ابْنُ السَّرْحِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبِ بْنِ مَالِكٍ أَنَّ عَبْدَ اللَّهِ بْنَ كَعْبٍ قَالَ: سَمِعْتُ كَعْبَ بْنَ مَالِكٍ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا قَدِمَ مِنْ سَفَرٍ بَدَأَ بِالْمَسْجِدِ فَرَكَعَ فِيهِ رَكَعَتَيْنِ ثُمَّ جَلَسَ لِلنَّاسِ وَقَصَّ ابْنُ السَّرْحِ الْحَدِيثَ قَالَ: وَنَهَى رَسُولُ اللَّهِ ﷺ الْمُسْلِمِينَ عَنْ كَلَامِنَا أَيُّهَا الثَّلَاثَةُ حَتَّى إِذَا طَالَ عَلَيَّ تَسَوَّرْتُ جِدَارَ حَائِطِ أَبِي قَتَادَةَ - وَهُوَ ابْنُ عَمِّي - فَسَلَّمْتُ عَلَيْهِ فَوَالله! مَا رَدَّ عَلَيَّ السَّلَامَ، ثُمَّ صَلَّيْتُ الصُّبْحَ صَبَاحَ خَمْسِينَ لَيْلَةً عَلَى ظَهْرِ بَيْتٍ مِنْ بُيُوتِنَا، فَسَمِعْتُ صَارِحًا: يَا كَعْبُ بْنُ مَالِكٍ! أَبَشِّرْ فَلَمَّا جَاءَنِي الَّذِي سَمِعْتُ صَوْتَهُ يُبَشِّرُنِي نَزَعْتُ لَهُ ثَوْبِي فَكَسَوْتُهُمَا إِيَّاهُ، فَاَنْطَلَقْتُ حَتَّى إِذَا دَخَلْتُ الْمَسْجِدَ، فَإِذَا رَسُولُ اللَّهِ ﷺ جَالِسٌ، فَقَامَ إِلَيَّ طَلْحَةُ بْنُ عُبَيْدِ اللَّهِ يُهْرَوِلُ حَتَّى صَافَحَنِي وَهَنَانِي.

shook my hands and congratulated me.” (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، التوبة، باب حديث توبة كعب بن مالك وصاحبيه، ح: ٢٧٦٩ عن ابن السرح، والبخاري، التفسير، سورة البراءة، باب قوله: ﴿لَقَدْ تَابَ اللَّهُ عَلَى النَّبِيِّ وَالْمُهَاجِرِينَ وَالْأَنْصَارِ﴾، ح: ٤٦٧٦ مختصرًا جدًا من حديث ابن وهب به.

Comments:

The reference is to the incident relating to Ka'b bin Mālik, may Allāh be pleased with him, during the military campaign of Tabūk, which took place after the Conquest of Makkah when he was ostracized from the society at the behest of the Prophet ﷺ.

Chapter 162. Regarding Prostration Out Of Gratitude

2774. It was reported from Abū Bakrah who said: “Whenever any good news or a glad tidings was told to the Prophet ﷺ, he would prostrate, in gratitude to Allāh.” (*Ḥasan*)

(المعجم ١٦٢) بَابُ: فِي سُجُودِ الشُّكْرِ
(التحفة ١٧٤)

٢٧٧٤ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا أَبُو عَاصِمٍ عَنْ أَبِي بَكْرَةَ بَكَارٍ بْنِ عَبْدِ الْعَزِيزِ قَالَ: أَخْبَرَنِي أَبِي عَبْدُ الْعَزِيزِ عَنْ أَبِي بَكْرَةَ عَنِ النَّبِيِّ ﷺ: أَنَّهُ كَانَ إِذَا جَاءَهُ أَمْرٌ سُرُورٍ أَوْ بُشْرٍ بِهِ خَرَّ سَاجِدًا شَاكِرًا لِلَّهِ.

تخريج: [إسناده حسن] أخرجه الترمذي، السير، باب ما جاء في سجدة الشكر، ح: ١٥٧٨ وابن ماجه، ح: ١٣٩٤ من حديث أبي عاصم به، وقال الترمذي: "حسن غريب".

2775. It was reported from ‘Āmir bin Sa’d from his father, who said: “We went out with the Messenger of Allāh ﷺ from Makkah headed for Al-Madīnah. When we arrived near ‘Azwarā, he dismounted, then raised his hands supplicating to Allāh for a time, and then he prostrated and stayed like that for a long time. Then he stood up, and raised his hands and supplicated to Allāh, the Exalted, for a time, and then he prostrated and stayed like that for a long time. Then he stood up and raised his hands for a time, then prostrated” — Aḥmad (one of the narrators) mentioned it three

٢٧٧٥ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: حَدَّثَنِي مُوسَى بْنُ يَعْقُوبَ عَنْ ابْنِ عُثْمَانَ - قَالَ أَبُو دَاوُدَ: وَهُوَ يَحْيَى ابْنُ الْحَسَنِ بْنِ عُثْمَانَ - عَنْ أَشْعَثَ بْنِ إِسْحَاقَ بْنِ سَعْدٍ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ مِنْ مَكَّةَ نُرِيدُ الْمَدِينَةَ فَلَمَّا كُنَّا قَرِيبًا مِنْ عَزْوَرَا نَزَلَ ثُمَّ رَفَعَ يَدَيْهِ فَدَعَا اللَّهَ سَاعَةً ثُمَّ خَرَّ سَاجِدًا فَمَكَثَ طَوِيلًا، ثُمَّ قَامَ فَرَفَعَ يَدَهُ فَدَعَا اللَّهَ تَعَالَى سَاعَةً ثُمَّ خَرَّ سَاجِدًا فَمَكَثَ طَوِيلًا، ثُمَّ قَامَ فَرَفَعَ يَدَيْهِ سَاعَةً ثُمَّ خَرَّ سَاجِدًا -

times. "He then said: 'I asked my Lord and interceded for my people, and He gave me a third of my people, so I prostrated out of gratitude to My Lord. Then I raised my head and asked my Lord for my people, and He gave me one third of my people, so I prostrated out of gratitude to my Lord. Then I raised my head and asked my Lord for my people, and He gave me the last third of my people, so I prostrated out of gratitude to My Lord.'" (*Da'if*)

Abū Dāwud said: Ash'ath bin Ishāq omitted Ahmad bin Ṣālīḥ when he narrated it to us. Mūsā bin Sahl Ar-Ramlī narrated it to us from him.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٧٠/٢ من حديث أبي داود به * يحيى بن الحسن: مجهول الحال (تقريب) وأشعث بن إسحاق: مستور، ولسجود الشكر شواهد عند مسلم، ح: ٢٨٩٠ وغيره.

Chapter 163. Regarding *Aṭ-Ṭurūq* (Returning From A Journey To The Family At Night)

2776. It was reported from Muḥārib bin Dithār, from Jābir bin 'Abdullāh who said: "The Messenger of Allāh ﷺ disliked that a man (on journey) return back to his family at night." (*Ṣaḥīḥ*)

تخريج: وأخرجه البخاري، النكاح، باب: لا يترك أهله ليلاً إذا أطال الغيبة أن يخونهم أو يلتبس عثرتهم، ح: ٥٢٤٣ ومسلم، الإمارة، باب كراهة الطروق ... إلخ، ح: ٧١٥ بعد: ١٩٢٨ من حديث شعبة به.

2777. It was reported from Mughīrah, from Ash-Sha'bī, from Jābir, from the Prophet ﷺ, that he

ذَكَرَهُ أَحْمَدُ ثَلَاثًا - قَالَ: «إِنِّي سَأَلْتُ رَبِّي وَشَفَعْتُ لِأُمَّتِي فَأَعْطَانِي ثُلُثَ أُمَّتِي فَخَرَرْتُ سَاجِدًا شُكْرًا لِرَبِّي، ثُمَّ رَفَعْتُ رَأْسِي فَسَأَلْتُ رَبِّي لِأُمَّتِي فَأَعْطَانِي ثُلُثَ أُمَّتِي فَخَرَرْتُ سَاجِدًا لِرَبِّي شُكْرًا، ثُمَّ رَفَعْتُ رَأْسِي فَسَأَلْتُ رَبِّي لِأُمَّتِي فَأَعْطَانِي الثُّلُثَ الْآخَرَ فَخَرَرْتُ سَاجِدًا لِرَبِّي».

قَالَ أَبُو دَاوُدَ: أَشْعَثُ بْنُ إِسْحَاقَ أَسْقَطَهُ أَحْمَدُ بْنُ صَالِحٍ حِينَ حَدَّثَنَا بِهِ فَحَدَّثَنِي بِهِ عَنْهُ مُوسَى بْنُ سَهْلٍ الرَّمْلِيُّ.

(المعجم ١٦٣) بَابُ: فِي الطَّرُوقِ (التحفة ١٧٥)

٢٧٧٦ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ وَمُسْلِمُ بْنُ أَبِرَاهِيمَ قَالَا: حَدَّثَنَا شُعْبَةُ عَنْ مُحَارِبِ بْنِ دِثَارٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَكْرَهُ أَنْ يَأْتِيَ الرَّجُلُ أَهْلَهُ طُرُوقًا.

٢٧٧٧ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ مُغِيرَةَ، عَنِ الشَّعْبِيِّ، عَنْ

said: "The best time for a man to go to his family when arriving from a journey is at the beginning of the night." (*Ṣaḥīḥ*)

جَابِرٌ عَنِ النَّبِيِّ ﷺ قَالَ: «إِنَّ أَحْسَنَ مَا دَخَلَ الرَّجُلُ عَلَى أَهْلِهِ إِذَا قَدِمَ مِنْ سَفَرٍ أَوَّلَ اللَّيْلِ».

تخريج: أخرجه البخاري، ح: ٥٢٤٤ ومسلم، ح: ٧١٥ بعد: ١٩٢٨ من حديث الشعبي به، انظر الحديث السابق.

2778. It was reported from Sayyār, from Ash-Sha'bī, from Jābir bin 'Abdullāh, who said: "We were with the Messenger of Allāh ﷺ on a (return) journey. When we were about to go to our family, he said: 'Delay it until we enter during the night, so that the disheveled woman can comb, and the woman whose husband has been away can clean herself.'" (*Ṣaḥīḥ*)

٢٧٧٨ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا سَيَّارٌ عَنِ الشَّعْبِيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كُنَّا مَعَ رَسُولِ اللَّهِ ﷺ فِي سَفَرٍ فَلَمَّا ذَهَبْنَا لِنَدْخُلَ قَالَ: «أَمْهَلُوا حَتَّى نَدْخُلَ لَيْلًا لِكَيْ تَمْتَشِطَ الشَّعْثَةُ وَتَسْتَحِدَّ الْمُغَيَّبَةُ».

Abū Dāwud said: Az-Zuhri said: "At-Ṭarq means arriving after 'Ishā'."

قَالَ أَبُو دَاوُدَ: قَالَ الزُّهْرِيُّ: الطَّرْقُ بَعْدَ الْعِشَاءِ.

Abū Dāwud said: And there is no harm if it is after *Maghrib*.

قَالَ أَبُو دَاوُدَ: وَبَعْدَ الْمَغْرِبِ لَا بَأْسَ بِهِ.

تخريج: أخرجه البخاري، النكاح، باب: تستحد المغيبة وتمشط الشعثة، ح: ٥٢٤٧ ومسلم، الإمارة، باب كراهة الطروق ... إلخ، ح: ٧١٥ بعد حديث: ١٩٢٨ من حديث هشيم به وهو في مسند أحمد: ٣/٣٠٣.

Comments:

Whenever the Messenger of Allāh ﷺ returned home from journey and arrived near his destination, he would send a word and it was announced among the people that the fighters were returning to the town, and would reach there by such-and-such time.

Chapter 164. Regarding Reception

(المعجم ١٦٤) بَابُ: فِي التَّلَقِّي
(التحفة ١٧٦)

2779. It was reported from As-Sā'ib bin Yazīd, who said: "When the Prophet ﷺ arrived in Al-Madinah from the Battle of Tābūk, the people went to receive him, so

٢٧٧٩ - حَدَّثَنَا ابْنُ السَّرْحِ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنِ السَّائِبِ بْنِ يَزِيدَ قَالَ: لَمَّا قَدِمَ النَّبِيُّ ﷺ الْمَدِينَةَ مِنْ غَزْوَةِ

I went along with the children to meet him at Thaniyah Al-Wadā'." (Ṣaḥīḥ)

تَبَوَّكَ تَلْقَاهُ النَّاسُ فَلَقِيْتُهُ مَعَ الصَّبْيَانِ عَلَى نَيْبَةِ الْوَدَاعِ.

تخريج: أخرجه البخاري، المغازي، باب كتاب النبي ﷺ إلى كسرى وقيصر، ح: ٤٤٢٧ من حديث سفيان بن عيينة به.

Chapter 165. Regarding What Is Recommended Of Spending All The Supplies In Battle Upon The Return Of The Warrior

(المعجم ١٦٥) بَابُ: فِي مَا يُسْتَحَبُّ مِنْ إِنْقَادِ الزَّادِ فِي الْعَرْوِ إِذَا قُفِلَ (التحفة ١٧٧)

2780. It was reported from Anas bin Mālik who said: "A young man from Aslam said: 'O Messenger of Allāh! I want to go out on an expedition, and I do not have any wealth to equip myself. He said: 'Go to so-and-so Al-Anṣārī, for he had equipped himself, but he fell ill. Tell him: "The Messenger of Allāh ﷺ is conveying his *Salām* to you," and tell him: "Give me what you had equipped yourself with.'" So he went to him and told him. He said to his wife: 'O so-and-so! Give him what you had equipped me with, and do not detain anything from it at all. By Allāh! If you keep anything out of it, Allāh will not bless it.'" (Ṣaḥīḥ)

٢٧٨٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا ثَابِتُ الْبُنَانِيُّ عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ فَتًى مِنْ أَسْلَمَ قَالَ: يَا رَسُولَ اللَّهِ! إِنِّي أُرِيدُ الْجِهَادَ وَلَيْسَ لِي مَالٌ أَنْجَهْرُ بِهِ، قَالَ: «اذهَبْ إِلَى فُلَانٍ الْأَنْصَارِيِّ فَإِنَّهُ كَانَ قَدْ تَجَهَّرَ فَمَرِضٌ فَقُلْ لَهُ: إِنَّ رَسُولَ اللَّهِ ﷺ يُقْرِئُكَ السَّلَامَ، وَقُلْ لَهُ: اذْفَعْ إِلَيَّ مَا تَجَهَّرْتَ بِهِ» فَأَتَاهُ فَقَالَ لَهُ ذَلِكَ، فَقَالَ لَامْرَأَتِهِ: يَا فُلَانَةُ! اذْفَعِي إِلَيْهِ مَا جَهَّزْتَنِي بِهِ وَلَا تَحْسِسِي مِنْهُ شَيْئًا، فَوَاللَّهِ! لَا تَحْسِسِينَ مِنْهُ شَيْئًا فَيَبَارِكَ اللَّهُ فِيهِ.

تخريج: أخرجه مسلم، الإمامة، باب فضل إعانة الغازي في سبيل الله ... إلخ، ح: ١٨٩٤ من حديث حماد بن سلمة به.

Chapter 166. Regarding The Ṣalāt Performed Upon Returning From A Journey

(المعجم ١٦٦) بَابُ: فِي الصَّلَاةِ عِنْدَ الْقُدُومِ مِنَ السَّفَرِ (التحفة ١٧٨)

2781. It was reported from Ka'b bin Mālik who said: "The Prophet ﷺ would not return from a journey

٢٧٨١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُتَوَكِّلِ الْعَسْقَلَانِيُّ وَالْحَسَنُ بْنُ عَلِيٍّ قَالَا: حَدَّثَنَا

but only during the daytime.” — Al-Hasan (one of the narrators) said: “In the morning.” — “When he would arrive from a journey, he would come to the *Masjid* and pray two *Rak’ahs* in it, and then he would sit down in it.” (*Ṣaḥīḥ*)

عَبْدُ الرَّزَّاقِ: أَخْبَرَنِي ابْنُ جُرَيْجٍ قَالَ: أَخْبَرَنِي ابْنُ شَهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنُ مَالِكٍ عَنْ أَبِيهِ عَبْدِ اللَّهِ بْنِ كَعْبٍ وَعَمِّهِ عُبَيْدِ اللَّهِ بْنِ كَعْبٍ، عَنْ أَبِيهِمَا كَعْبِ بْنِ مَالِكٍ: أَنَّ النَّبِيَّ ﷺ كَانَ لَا يَقْدُمُ مِنْ سَفَرٍ إِلَّا نَهَارًا - قَالَ الْحَسَنُ: فِي الضُّحَى - فَإِذَا قَدِمَ مِنْ سَفَرٍ أَتَى الْمَسْجِدَ فَرَكَعَ فِيهِ رَكْعَتَيْنِ ثُمَّ جَلَسَ فِيهِ.

تخریج: [إسناده صحيح] تقدم، ح: ٢٧٧٣ وأخرجه البخاري، الجهاد والسير، باب الصلاة إذا قدم من سفر، ح: ٣٠٨٨ من حديث ابن جريج ومسلم، ح: ٢٧٦٩ من حديث ابن شهاب الزهري به وهو في مصنف عبدالرزاق، ح: ٤٨٦٤.

2782. It was reported from Nāfi‘, from Ibn ‘Umar who said: “When the Messenger of Allāh ﷺ returned back from his *Hajj*, he entered Al-Madīnah, and made his camel kneel down at the gate of his *Masjid*, then he entered it and prayed two *Rak’ahs* in it, then he returned to his home.” Nāfi‘ said: “Ibn ‘Umar also used to do that.” (*Hasan*)

٢٧٨٢ - حَدَّثَنَا مُحَمَّدُ بْنُ مَنْصُورٍ الطُّوسِيُّ: حَدَّثَنَا يَعْقُوبُ: حَدَّثَنَا أَبِي عَنْ ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ: أَنَّ رَسُولَ اللَّهِ ﷺ جِئَ أَقْبَلَ مِنْ حَجَّتِهِ دَخَلَ الْمَدِينَةَ فَأَنَاحَ عَلَى بَابِ مَسْجِدِهِ ثُمَّ دَخَلَهُ فَرَكَعَ فِيهِ رَكْعَتَيْنِ ثُمَّ انْصَرَفَ إِلَى بَيْتِهِ. قَالَ نَافِعٌ: فَكَانَ ابْنُ عُمَرَ كَذَلِكَ يَصْنَعُ.

تخریج: [إسناده حسن] أخرجه أحمد: ١٢٩/٢ من حديث يعقوب بن إبراهيم بن سعد به.

Comments:

It is among the desirable acts that, on return from a journey, he first goes to *Masjid* and performs two *Rak’ahs* and then enters his house.

Chapter 167. Regarding Wages For The One Who Distributes The Spoils

2783. It was reported from Abū Sa‘eed Al-Khudrī that the Messenger of Allāh ﷺ said: “Beware of the wages of the

(المعجم ١٦٧) بَابُ: فِي كِرَاءِ الْمَقَاسِمِ (التحفة ١٧٩)

٢٧٨٣ - حَدَّثَنَا جَعْفَرُ بْنُ مُسَافِرٍ النَّيْسَبِيُّ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: حَدَّثَنَا الزَّمْعِيُّ عَنْ الزُّبَيْرِ بْنِ عُثْمَانَ بْنِ عَبْدِ اللَّهِ بْنِ سُرَّاقَةَ أَنَّ

Qusāmah (one who distributes the spoils).” He said: “We asked: ‘And what is the *Qusāmah*?’ He replied: ‘It is something which is supposed to be shared by the people, and then a portion of it is reduced.’” (*Daʿīf*)

مُحَمَّدَ بْنَ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ أَخْبَرَهُ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِيَّاكُمْ وَالْقَسَامَةَ»، قَالَ: فَقُلْنَا: وَمَا الْقَسَامَةُ؟ قَالَ: «الشَّيْءُ يَكُونُ بَيْنَ النَّاسِ فَيَنْتَقَصُ مِنْهُ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٥٦/٦ من حديث أبي داود به * الزبير بن عثمان: وثقه ابن حبان وحده فيما أعلم.

2784. ‘Aṭā’ bin Yasār reported similar (as no. 2783) from the Prophet ﷺ, he said (in it): “A man is appointed among a group of people, and he takes (as wages) from the share of this one, and from the share of this one.” (*Daʿīf*)

٢٧٨٤ - حَدَّثَنَا عَبْدُ اللَّهِ الْقَعْنَبِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ يَعْنِي ابْنَ مُحَمَّدٍ عَنْ شَرِيكَ يَعْنِي ابْنَ أَبِي نَعْمٍ، عَنْ عَطَاءِ بْنِ يَسَارٍ عَنِ النَّبِيِّ ﷺ نَحْوَهُ قَالَ: «الرَّجُلُ يَكُونُ عَلَى الْفَتَامِ مِنَ النَّاسِ فَيَأْخُذُ مِنْ حَظِّ هَذَا وَحَظِّ هَذَا».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٥٦/٦ من حديث أبي داود به، وهو مرسل.

Chapter 168. Engaging In Trade During Battle

2785. ‘Ubaidullāh bin Salmān reported from a man among the Companions of the Prophet ﷺ: “When we conquered Khaibar, they took out their share of the spoils from the goods and the captives. The people started trading; buying and selling their spoils. A man from them came to the Messenger of Allāh ﷺ after he had prayed, and said: ‘O Messenger of Allāh! I have gained so much today, nobody in this valley has gained such.’ He said: ‘Woe to you! How much did you gain?’ He said: ‘I kept on selling and buying until I gained three

(المعجم ١٦٨) بَابُ: فِي التَّجَارَةِ فِي الْعَزْوِ (التحفة ١٨٠)

٢٧٨٥ - حَدَّثَنَا الرَّبِيعُ بْنُ نَافِعٍ: حَدَّثَنَا مُعَاوِيَةُ يَعْنِي ابْنَ سَلَامٍ عَنْ زَيْدٍ يَعْنِي ابْنَ سَلَامٍ أَنَّهُ سَمِعَ أَبَا سَلَامٍ يَقُولُ: حَدَّثَنِي عُبَيْدُ اللَّهِ بْنُ سَلْمَانَ أَنَّ رَجُلًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ حَدَّثَهُ قَالَ: لَمَّا فَتَحْنَا خَيْبَرَ أَخْرَجُوا غَنَائِمَهُمْ مِنَ الْمَتَاعِ وَالسَّبْيِ فَجَعَلَ النَّاسُ يَتَبَايَعُونَ غَنَائِمَهُمْ فَجَاءَ رَجُلٌ حِينَ صَلَّى رَسُولُ اللَّهِ ﷺ، فَقَالَ: يَا رَسُولَ اللَّهِ! لَقَدْ رِبَحْتُ رِبْحًا مَا رِبِحَ الْيَوْمَ مِثْلَهُ أَحَدٌ مِنْ أَهْلِ هَذَا الْوَادِي قَالَ: «وَيْحَكَ وَمَا رِبِحْتُ؟» قَالَ: مَا زِلْتُ أَيْبِعُ وَأَبْتَاعُ حَتَّى رِبِحْتُ

hundred *Uqiyah*.' The Messenger of Allāh ﷺ said: 'I will tell you about a man who gained more than you.' He asked: 'What is that O Messenger of Allāh!' He replied: 'Two *Rak'ahs* after the (obligatory) prayers.'" (*Ṣaḥīḥ*)

ثَلَاثُمِائَةٍ أَوْ قِيَّتِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَنَا أَنْبِئُكَ بِخَيْرٍ رَجُلٍ رَجِحَ». قَالَ: مَا هُوَ يَا رَسُولَ اللَّهِ؟ قَالَ: «رَكَعَتَيْنِ بَعْدَ الصَّلَاةِ».

تخریج: [إسناده صحيح] أخرجه البيهقي: ٣٣٢/٦ من حديث أبي داود به.

Chapter 169. Regarding Carrying Weapons To The Land Of The Enemy

(المعجم ١٦٩) بَابُ: فِي حَمْلِ السَّلَاحِ إِلَى أَرْضِ الْعَدُوِّ (التحفة ١٨١)

2786. *Dhul-Jawshan* — a man from *Aḍ-Ḍabāb* — said: "After the Prophet ﷺ had finished with the people of *Badr*, I came to him with a colt from my mare called *Al-Qarhā*'. I said: 'O Muḥammad! I have brought you *Ibn Al-Qarhā*', so take it.' He said: 'I have no need of it, but if you wish I can give you a selected coat of mail from the spoils of *Badr*.' I said: 'I would not take even a *Ghurrah* for it today. He said: "Then I have no need for it."^[1] (*Da'if*)

٢٧٨٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا أَبِي عَنْ أَبِي إِسْحَاقَ عَنْ ذِي الْجَوْشَنِ - رَجُلٍ مِنَ الضَّبَابِ - قَالَ: أَتَيْتُ النَّبِيَّ ﷺ بَعْدَ أَنْ فَرَّغَ مِنْ أَهْلِ بَدْرٍ بَابِنِ فَرَسٍ لِي يَقَالُ لَهَا: الْفَرْحَاءُ، فَقُلْتُ: يَا مُحَمَّدُ! إِنِّي قَدْ جِئْتُكَ بَابِنِ الْفَرْحَاءِ لَتَتَّخِذَهُ. قَالَ: «لَا حَاجَةَ لِي فِيهِ، فَإِنْ شِئْتَ أَنْ أُقِصَّكَ بِهِ الْمُخْتَارَةَ مِنْ دُرُوعِ بَدْرٍ» فَعَلْتُ، قُلْتُ: مَا كُنْتُ أُقِصُّهُ الْيَوْمَ بِعُرَّةٍ قَالَ: «فَلَا حَاجَةَ لِي فِيهِ».

تخریج: [إسناده ضعيف] أخرجه البيهقي: ١٠٩، ١٠٨/٩ من حديث أبي داود به، ورواه أحمد: ٤٨٤/٣ * أبو إسحاق عنن.

Comments:

The author's purpose in quoting the *Hadīth* is to prove the fact that it is allowed to give some weapon etc., to a non-Muslim knowing that he would take it to the territory of disbelievers. It may be noted here that *Dhul-Jawshan* was a disbeliever at that time.

[1] *Ghurrah* is used for slave, and sometimes for a horse, or mule or some animal in general.

Chapter 170. Regarding Residing In The Land Of Shirk

2787. Samurah bin Jundab said: “To proceed: ‘The Messenger of Allāh ﷺ said: “Anyone who associates with a polytheist and lives with him, then he is like him.”^[1] (Ḍaʿīf)

(المعجم ١٧٠) بَابُ: فِي الْإِقَامَةِ بِأَرْضِ
الشِّرْكِ (التحفة ١٨٢)

٢٧٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ
سُفْيَانَ: حَدَّثَنِي يَحْيَى بْنُ حَسَّانَ قَالَ: أَخْبَرَنَا
سُلَيْمَانُ بْنُ مُوسَى أَبُو دَاوُدَ قَالَ: حَدَّثَنَا
جَعْفَرُ بْنُ سَعْدٍ بْنُ سَمُرَةَ بْنِ جُنْدُبٍ قَالَ:
حَدَّثَنِي حُبَيْبُ بْنُ سُلَيْمَانَ عَنْ أَبِيهِ سُلَيْمَانَ بْنِ
سَمُرَةَ، عَنْ سَمُرَةَ بْنِ جُنْدُبٍ: أَمَّا بَعْدُ، قَالَ
رَسُولُ اللَّهِ ﷺ: «مَنْ جَامَعَ الْمُشْرِكَ وَسَكَنَ
مَعَهُ فَإِنَّهُ مِثْلُهُ».

تخريج: [إسناده ضعيف] انظر، ح: ٢٧١٦.

The End of the Book of Jihād

^[1] See no. 456, and no. 2716.

16. The Book Of Sacrifices

(المعجم ١٦) - أَوَّلُ كِتَابِ الضَّحَايَا

(التحفة ١٠)

Comments:

Ḍahāyā is the plural of *Ḍahīyyah*, *Adāhī* is the plural of *Uḍhīyyah* and *Adhā* is the plural of *Adhāt*. They all refer to the animal sacrificed on the 10th of *Dhul-Hijjah*, or after that during the days of *Tashrīq* (the three days after 'Eid *Al-Adhā*; the 11th, 12th & 13th of *Dhul-Hijjah*) as part of the 'Eid celebration with the intention of seeking the pleasure and drawing nearer to Allāh.

Chapter 1. What Has Been Reported Regarding The Obligation Of The Sacrifices

(المعجم ١) - بَابُ مَا جَاءَ فِي إِيْجَابِ

الْأَضَاحِي (التحفة ١)

2788. *Mikhnaf bin Sulaim* said: "While we were standing with the Messenger of Allāh ﷺ at 'Arafāt he said: 'O people! It is obligatory on each family to offer every year an *Uḍhīyah* (sacrifice) and an '*Atīrah*. Do you know what *Al-'Atīrah* is? It is what people call *Ar-Rajabiyyah*.'" (*Ḍa'īf*)

Abū Dāwud said: *Al-'Atīrah* was abrogated. This narration is abrogated.

٢٧٨٨ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ؛ ح: وَحَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ قَالَ: حَدَّثَنَا بِشْرٌ عَنْ عَبْدِ اللَّهِ بْنِ عَوْنٍ، عَنْ غَامِرِ أَبِي رَمْلَةَ قَالَ: أَنْبَأَنَا مِخْنَفُ بْنُ سُلَيْمٍ قَالَ: وَنَحْنُ وَفُوفٌ مَعَ رَسُولِ اللَّهِ ﷺ بِعَرَفَاتٍ قَالَ: قَالَ: «يَا أَيُّهَا النَّاسُ! إِنَّ عَلَى كُلِّ أَهْلِ بَيْتٍ فِي كُلِّ عَامٍ أَضْحِيَّةً وَعَتِيرَةً، أَتَدْرُونَ مَا الْعَتِيرَةُ؟ هَذِهِ الَّتِي يَقُولُ النَّاسُ الرَّجَبِيَّةُ».

قَالَ أَبُو دَاوُدَ: الْعَتِيرَةُ مَنْسُوخَةٌ، هَذَا خَبَرٌ مَنْسُوخٌ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الأضحى، باب الأضحية في كل عام، ح: ١٥١٨ والنسائي، ح: ٤٢٢٩ وابن ماجه، ح: ٣١٢٥ من حديث عبدالله بن عون به وقال الترمذي: "حسن غريب" وللحديث شواهد عند النسائي، ح: ٤٢٣٠ وغيره * أبو رملة مجهول الحال جهله ابن القطان وغيره، والحديث: ٢٨٣٠ يغني عنه.

Comments:

As for '*Atīrah*, see no. 2830-2833; this *Hadīth* is among those used by those who hold the view that *Uḍhīyyah* is obligatory.

2789. 'Abdullāh bin 'Amr bin Al-'Ās narrated that the Prophet ﷺ said: "I have been commanded to take the Day of *Adhā* as 'Eid,

٢٧٨٩ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ قَالَ: حَدَّثَنِي سَعِيدُ بْنُ أَبِي أَيُّوبَ قَالَ: حَدَّثَنِي عِيَّاشُ بْنُ عَبَّاسٍ

which Allāh has appointed for this nation.” A man said: “What if I can only find a female *Manīah*,^[1] can I sacrifice it?” He said: “No, but take (clip) from your hair, and nails, and trim your moustache, and shave your pubes. That will complete your *Udhiyyah* before Allāh.” (*Sahīh*)

الْقَتْبَانِي عَنْ عِيْسَى بْنِ هِلَالٍ الصَّدْفِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ الْعَاصِ أَنَّ النَّبِيَّ ﷺ قَالَ: «أُمِرْتُ بِيَوْمِ الْأَضْحَى عِيدًا جَعَلَهُ اللَّهُ لِهَذِهِ الْأُمَّةِ». قَالَ الرَّجُلُ: أَرَأَيْتَ إِنْ لَمْ أَجِدْ إِلَّا مَيْحَةً أَتُنْتِي أَفَأُضْحِي بِهَا؟ قَالَ: «لَا وَلَكِنْ تَأْخُذُ مِنْ شَعْرِكَ وَأُظْفَارِكَ وَتَقْصُرُ شَارِبَكَ وَتَحْلِقُ عَانَتَكَ فَتِلْكَ تَمَامُ أَضْحِيَّتِكَ عِنْدَ اللَّهِ».

تخريج: [إسناده صحيح] تقدم، ح: ١٣٩٩ وأخرجه النسائي، ح: ٤٣٧٠ من حديث سعيد بن أبي أيوب به، وصححه ابن حبان، ح: ١٠٤٣ والحاكم: ٢٢٣/٤ ووافقه الذهبي. **Comments:** If a person does not have the means to offer a sacrifice, he is excused.

Chapter 1,2. Sacrificing On Behalf Of A Deceased Person

(المعجم ١، ٢) - بَابُ الْأَضْحِيَّةِ عَنِ الْمَيِّتِ (التحفة ٢)

2790. It was reported from *Hanash*, that he said: “I saw ‘Ali, may Allāh be pleased with him, sacrificing two rams, so I said to him: ‘What is this?’ He replied: ‘The Messenger of Allāh ﷺ entrusted me to sacrifice on his behalf, so I am sacrificing on his behalf.’” (*Da'if*)

٢٧٩٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا شَرِيكَ عَنْ أَبِي الْحُسَيْنِ، عَنْ الْحَكَمِ، عَنْ حَنْشٍ قَالَ: رَأَيْتُ عَلِيًّا رَضِيَ اللَّهُ عَنْهُ يُضْحِي بِكَبْشَيْنِ فَقُلْتُ لَهُ: مَا هَذَا؟ فَقَالَ: إِنَّ رَسُولَ اللَّهِ ﷺ أَوْصَانِي أَنْ أُضْحِيَ عَنْهُ فَأَنَا أُضْحِي عَنْهُ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الأضاحي، باب ما جاء في الأضحية عن الميت، ح: ١٤٩٥ من حديث شريك القاضي به وقال: "غريب" * شريك والحكم بن عتيبة: عننا وأبو الحسناء مجهول، وهو غير الحسن بن الحكم النخعي ووقع الوهم عند الحاكم: ٤/٢٢٩، ٢٣٠ وصححه، ووافقه الذهبي.

[1] A sheep or camel which was lent for a period of time to be used for its milk or wool.

Chapter 2,3. A Man Clipping His Hair During The (First) Ten Days Of (Dhul-Hijjah), While He Intends To Sacrifice

2791. It was reported from ‘Amr bin Muslim Al-Laiṭhī: “I heard Sa‘eed bin Al-Musayyab saying: ‘I heard Umm Salamah saying: “The Messenger of Allāh ﷺ said: ‘If anyone has an animal for slaughter (as sacrifice), then when the crescent of Dhul-Hijjah is sighted, then he is not to take (cut) from his hair nor his nails until he has sacrificed.”’ (Ṣaḥīḥ)

Abū Dāwud said: Those who reported it from Mālik and Muḥammad bin ‘Amr differed over (the name of) ‘Amr bin Muslim. Some of them said: ‘Umar, and most of them said ‘Amr.

Abū Dāwud said: He is ‘Amr bin Muslim bin Ukaimah Al-Laiṭhī Al-Junda’ī.

تخريج: أخرجه مسلم، الأضاحي، باب نهى من دخل عليه عشر ذي الحجة ... إلخ، ح: ١٩٧٧ عن عبيد الله بن معاذ به.

Comments:

Anyone who intends to offer a sacrifice, he must refrain from trimming his hair and clipping his nails during the first ten days of Dhul-Hijjah, until after they have performed the sacrifice.

Chapter 3,4. What Is Recommended Regarding Sacrifices

2792. It was reported from ‘Aishah, that the Messenger of Allāh ﷺ ordered for a horned ram with black on its legs, black around its eyes and black on its underside, and it was brought forward for him

(المعجم ٢، ٣) - بَابُ الرَّجُلِ يَأْخُذُ مِنْ شَعْرِهِ فِي الْعَشْرِ وَهُوَ يُرِيدُ أَنْ يُضْحِيَ (التحفة ٣)

٢٧٩١ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرٍو قَالَ: حَدَّثَنَا عَمْرٍو بْنُ مُسْلِمٍ اللَّيْثِيُّ قَالَ: سَمِعْتُ سَعِيدَ بْنَ الْمُسَيَّبِ يَقُولُ: سَمِعْتُ أُمَّ سَلَمَةَ تَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ لَهُ ذَنْبٌ يَذْبَحُهُ فَإِذَا أَهْلَ هِلَالِ ذِي الْحِجَّةِ فَلَا يَأْخُذَنَّ مِنْ شَعْرِهِ وَلَا مِنْ أَظْفَارِهِ شَيْئًا حَتَّى يُضْحِيَ».

قَالَ أَبُو دَاوُدَ: اخْتَلَفُوا عَلَى مَالِكٍ وَعَلَى مُحَمَّدٍ بْنِ عَمْرٍو فِي عَمْرٍو بْنِ مُسْلِمٍ، فَقَالَ بَعْضُهُمْ: عَمْرٌ، وَأَكْثَرُهُمْ قَالَ: عَمْرُو.

قَالَ أَبُو دَاوُدَ: وَهُوَ عَمْرُو بْنُ مُسْلِمٍ. بَنُ أَكِيمَةَ اللَّيْثِيِّ الْجَنْدَعِيُّ.

(المعجم ٣، ٤) - بَابُ مَا يُسْتَحَبُّ مِنَ الضَّحَايَا (التحفة ٤)

٢٧٩٢ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ قَالَ: أَخْبَرَنِي حَيُّوَةُ قَالَ: حَدَّثَنِي أَبُو صَخْرٍ عَنْ ابْنِ قُسَيْطٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ

to sacrifice it. He said: "O 'Āishah! Get me a knife." Then he said: "Sharpen it with a stone." So she did it. He took the knife and the ram, and placed it on the ground to slaughter it, and said: "In the Name of Allāh. O Allāh! Accept it for Muḥammad, Muḥammad's family, and for the *Ummah* of Muḥammad." Then he sacrificed it. (*Saḥīḥ*)

ﷺ أَمَرَ بِكَشِّشٍ أَقْرَنَ بَطْأً فِي سَوَادٍ وَيَنْظُرُ فِي سَوَادٍ وَيَبْرُكُ فِي سَوَادٍ، فَأَتَتْ بِهِ فَضَحَّى بِهِ فَقَالَ: «يَا عَائِشَةُ! هَلُمِّي الْمُدْيَةَ»، ثُمَّ قَالَ: «اشْحَذِيهَا بِحَجَرٍ» فَفَعَلْتُ، فَأَخَذَهَا وَأَخَذَ الْكَبْشَ، فَأَضْجَعَهُ فَذَبَحَهُ، وَقَالَ: «بِسْمِ اللَّهِ، اللَّهُمَّ! تَقَبَّلْ مِنْ مُحَمَّدٍ وَآلِ مُحَمَّدٍ وَمِنْ أُمَّةٍ مُحَمَّدٍ»، ثُمَّ ضَحَّى بِهِ ﷺ.

تخريج: أخرجه مسلم، الأصباحي، باب استحباب استحسان الضحية وذبحها مباشرة... إلخ، ح: ١٩٦٧ من حديث ابن وهب به.

Comments:

1. The sacrificial animal, in order to be a good offering, must be able-bodied and good looking.
2. The blade used must be sufficiently sharp.
3. Offering sacrifices on behalf of the entire *Ummah* was exclusive for the Prophet ﷺ. As for others of the community, they should offer sacrifices on their own behalf as well on behalf of their family members.

2793. It was reported from Abū Qilābah, from Anas that the Prophet ﷺ performed *Nāhr* (sacrificed) seven camels that were standing, with his own hands, and *Uḍhiyyah* (sacrificed) in Al-Madīnah two horned, white rams, with black markings. (*Saḥīḥ*)

٢٧٩٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا [وُهَيْبٌ] عَنْ أَيُّوبَ، عَنْ أَبِي قَلَابَةَ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ نَحَرَ سَبْعَ بَدَنَاتٍ بِيَدِهِ قِيَامًا وَضَحَّى بِالْمَدِينَةِ بِكَبْشَيْنِ أَقْرَنَيْنِ أَمْلَحَيْنِ.

تخريج: وأخرجه البخاري، الحج، باب من نحر هديه بيده، ح: ١٧١٢ من حديث وهيب به وانظر، ح: ١٧٩٦.

Comments:

1. As is well-known, the Messenger of Allāh ﷺ led an austere life, and was wont to giving away anything and everything he had in charity. Still, he never failed to offer the stipulated sacrifice.
2. The camel is slaughtered in a particular way known as *Nāhr*, which means using a spear to cut in the hollow of its throat near the breastbone, this process may also be used for other large and dangerous animals like the cow for example.
3. The camel is slaughtered while it is in the standing position, with its left leg fettered in such a way as to prevent it from moving.

2794. It was reported from Qatādah, from Anas that the Prophet ﷺ performed *Udhiyyah* (sacrificed) two horned, white rams, with black markings. He slaughtered them while saying the *Takbīr*, and mentioning the Name of Allāh, and he put his foot on their sides. (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، التوحيد، باب السؤال بأسماء الله تعالى والاستعاذة بها، ح: ٧٣٩٩ من حديث هشام الدستوائي به.

2795. It was reported from Jābir bin ‘Abdullāh who said: “On the Day of Slaughter, the Prophet ﷺ slaughtered two horned, castrated, white rams, with black markings. When he made them face the *Qiblah*, he said: ‘I have turned my face towards He Who created the heavens and the earth, upon the *Millat* (religion) of Ibrāhīm, *Ḥanīfan* (staying away from *Shirk*), and I am not from the idolaters. Indeed, my *Ṣalāt*, my sacrifice, my life and my death all are for Allāh, the Lord of the Universe, Who has no partner. That is what I have been commanded, and I am one of the Muslims.^[1] O Allāh it is from You, and is for You, on behalf of Muḥammad and his *Ummah*. In the Name of Allāh, the Most Great.’ He then slaughtered it.” (*Ḥasan*)

تخريج: [حسن] أخرجه ابن ماجه، الأضاحي، باب أضاحي رسول الله ﷺ، ح: ٣١٢١ من حديث محمد بن إسحاق به، وصرح بالسماع * يزيد بن أبي حبيب: رواه عن خالد بن أبي عمران عن أبي عياش به أحمد: ٣/٣٧٥، ح: ١٥٠٨٦ وصححه ابن خزيمة، ح: ٢٨٩٩ وللحديث شواهد عند الترمذي، ح: ١٥٢١ وغيره.

٢٧٩٤ - حَدَّثَنَا مُسْلِمٌ بْنُ إِبرَاهِيمَ: حَدَّثَنَا هِشَامٌ عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ ضَحَّى بِكَبْشَيْنِ أَقْرَنَيْنِ أَمْلَحَيْنِ يَذْبَحُ وَيُكَبِّرُ وَيُسَمِّي وَيَضَعُ رِجْلَهُ عَلَى صَفْحَتِهَا.

٢٧٩٥ - حَدَّثَنَا إِبرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ قَالَ: حَدَّثَنَا عِيسَى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي عِيَّاشٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: ذَبَحَ النَّبِيُّ ﷺ يَوْمَ الذَّبْحِ كَبْشَيْنِ أَقْرَنَيْنِ أَمْلَحَيْنِ مُوجَّحَيْنِ فَلَمَّا وَجَّهَهُمَا قَالَ: «إِنِّي وَجَّهْتُ وَجْهِي لِلَّذِي فَطَرَ السَّمَوَاتِ وَالْأَرْضَ عَلَى مِلَّةِ إِبرَاهِيمَ حَنِيفًا وَمَا أَنَا مِنَ الْمُشْرِكِينَ، إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ لَا شَرِيكَ لَهُ وَبِذَلِكَ أُمِرْتُ وَأَنَا مِنَ الْمُسْلِمِينَ، اللَّهُمَّ مِنْكَ وَلَكَ عَنْ مُحَمَّدٍ وَأُمَّتِهِ بِسْمِ اللَّهِ وَاللَّهُ أَكْبَرُ»، ثُمَّ ذَبَحَ.

[1] See *Al-An'am* 6:161-163.

2796. It was reported from Abū Sa'eed who said: "The Messenger of Allāh ﷺ used to sacrifice a select, horned, ram, black around the eyes, the mouth and the feet." (*Ṣaḥīḥ*)

٢٧٩٦ - حَدَّثَنَا يَحْيَى بْنُ مَعِينٍ قَالَ:
حَدَّثَنَا حَفْصٌ عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ أَبِي
سَعِيدٍ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُضَحِّي
بَكَبْشٍ أَقْرَنَ فَحِيلٍ يَنْظُرُ فِي سَوَادٍ وَيَأْكُلُ فِي
سَوَادٍ وَيَمْشِي فِي سَوَادٍ.

تخريج: [صحيح] أخرجه الترمذي، الأضاحي، باب ما جاء في ما يستحب من الأضاحي، ح: ١٤٩٦ والنسائي، ح: ٤٣٩٥ وابن ماجه، ح: ٣١٢٨ من حديث حفص بن غياث به وقال الترمذي: "حسن صحيح غريب" وله شاهد عند مسلم، ح: ١٩٦٧.

Chapter 4,5. What Is Allowed Regarding Age For The *Udhiyyah* (Sacrifice)

(المعجم ٤، ٥) - بَابُ مَا يَجُوزُ فِي الضَّحَايَا مِنَ السِّنِّ (التحفة ٥)

2797. It was reported from Abū Az-Zubair, from Jābir who said: "The Messenger of Allāh ﷺ said: 'Do not slaughter but a *Musinnah*, unless it is difficult for you, in which case you can slaughter a *Jadh'ah* lamb.'" (*Ṣaḥīḥ*)

٢٧٩٧ - حَدَّثَنَا أَحْمَدُ بْنُ أَبِي شُعَيْبٍ
الْحَرَّانِيُّ قَالَ: أَخْبَرَنَا زُهَيْرُ بْنُ مُعَاوِيَةَ قَالَ:
حَدَّثَنَا أَبُو الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: قَالَ رَسُولُ
اللَّهِ ﷺ: «لَا تَذْبَحُوا إِلَّا مُسِنَّةً إِلَّا أَنْ يَعْسَرَ
عَلَيْكُمْ فَتَذْبَحُوا جَذْعَةً مِنَ الضَّأْنِ».

تخريج: أخرجه مسلم، الأضاحي، باب سن الأضحية، ح: ١٩٦٣ من حديث زهير بن معاوية به وجاء تصريح سماع أبي الزبير في صحيح أبي عوانة: ٢٢٨/٥.

Comments:

Musinnah, in reference to cows, is the one that has lived for more than two years, entering into its third, in the case of sheep, it is the one that has completed one year, and entered into its second. *Jadh'ah* is the animal that does not have any teeth growing in place of earlier teeth. For goats it refers to one that has lived for one year. For sheep it is between six months and one year, and there are different views about that from the scholars.

2798. It was reported from Zaid bin Khālid Al-Juhānī, he said: "The Messenger of Allāh ﷺ divided some sacrificial animals among his Companions. He gave me a *Jadh'ah* goat." He (Zaid) said: "I went back with it to him, and said: 'It is only a *Jadha*.'" He replied:

٢٧٩٨ - حَدَّثَنَا مُحَمَّدُ بْنُ صُدْرَانَ قَالَ:
حَدَّثَنَا عَبْدُ الْأَعْلَى بْنُ عَبْدِ الْأَعْلَى قَالَ: أَخْبَرَنَا
مُحَمَّدُ بْنُ إِسْحَاقَ قَالَ: حَدَّثَنَا عُمَارَةُ بْنُ
عَبْدِ اللَّهِ بْنِ طُعْمَةَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ
زَيْدِ بْنِ خَالِدِ الْجُهَنِيِّ قَالَ: قَسَمَ رَسُولُ اللَّهِ ﷺ

‘Sacrifice it,’ so I sacrificed it.”
(*Hasan*)

فِي أَصْحَابِهِ ضَحَايَا فَأَعْطَانِي عَتُودًا جَذَعًا،
قَالَ: فَرَجَعْتُ بِهِ إِلَيْهِ فَقُلْتُ لَهُ: إِنَّهُ جَذَعٌ،
فَقَالَ: «ضَحَّ بِهِ»، فَضَحَّيْتُ بِهِ.

تخريج: [حسن] أخرجه أحمد: ١٩٤/٥ من حديث محمد بن إسحاق به وصححه ابن حبان،
ح: ١٠٤٩ وللحديث شواهد.

2799. It was reported from ‘Āṣim bin Kulaib, from his father who said: “We were with a man from the Companions of the Prophet ﷺ who was called *Mujāshi*’, from Banū Sulaim. Full grown goats were scarce so he ordered a man to announce that the Messenger of Allāh ﷺ said: ‘A *Jadh’ah* fulfills whatever a *Thanī* fulfills.’” (*Ṣaḥīḥ*)

٢٧٩٩ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ قَالَ:
أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا الثَّوْرِيُّ عَنْ
عَاصِمِ بْنِ كُلَيْبٍ، عَنْ أَبِيهِ قَالَ: كُنَّا مَعَ
رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ يُقَالُ لَهُ:
مُجَاشِيعٌ مِنْ بَنِي سُلَيْمٍ، فَعَزَّتِ الْعَنَمُ، فَأَمَرَ
مُتَادِيًا فَتَادَى أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَقُولُ:
«إِنَّ الْجَذَعَ يُؤْفِي مِمَّا يُؤْفِي مِنْهُ الشَّيْءُ».

قَالَ أَبُو دَاوُدَ: وَهُوَ مُجَاشِيعٌ بْنُ مَسْعُودٍ.

تخريج: [صحيح] أخرجه ابن ماجه، الأضاحي، باب ما يجزئ من الأضاحي، ح: ٣١٤٠
من حديث عبدالرزاق به وصححه الحاكم: ٢٢٦/٤ * الثوري لم ينفرد به، وللحديث شواهد كثيرة
عند النسائي، ح: ٤٣٨٨ وغيره.

2800. It was reported from Al-Barā’ who said: “On the Day of *An-Nahr*, the Messenger of Allāh ﷺ delivered a *Khutbah* after the *Ṣalāt*, and said: ‘Anyone who prays our prayer and sacrifices our sacrifice, his sacrifice is accepted. If anyone sacrifices before the prayer, then it is only meat of a sheep.’ Abū Burdah bin Niyār stood up and said: ‘O Messenger of Allāh! By Allāh! I sacrificed before I went to the prayer. As I know that today is a day of eating and drinking, so I made haste and ate and fed my family and neighbors.’ The Messenger of Allāh ﷺ said: ‘That

٢٨٠٠ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا أَبُو
الْأَحْوَصِ قَالَ: حَدَّثَنَا مَنْصُورٌ عَنِ الشَّعْبِيِّ،
عَنِ الْبَرَاءِ قَالَ: خَطَبَنَا رَسُولُ اللَّهِ ﷺ يَوْمَ
النَّحْرِ بَعْدَ الصَّلَاةِ فَقَالَ: «مَنْ صَلَّى صَلَاتِنَا
وَنَسَكَ نُسْكَنَا فَقَدْ أَصَابَ النُّسْكَ، وَمَنْ نَسَكَ
قَبْلَ الصَّلَاةِ فَنِلَكَ شَاءَ لَحْمٍ»، فَقَامَ أَبُو بُرْدَةَ
ابْنُ نِيَارٍ فَقَالَ: يَا رَسُولَ اللَّهِ! وَاللَّهِ! لَقَدْ
نَسَكْتُ قَبْلَ أَنْ أُخْرَجَ إِلَى الصَّلَاةِ وَعَرَفْتُ أَنَّ
الْيَوْمَ يَوْمٌ أَكْلٍ وَشُرْبٍ فَتَعَجَّلْتُ فَأَكَلْتُ
وَأَطْعَمْتُ أَهْلِي وَجِيرَانِي، فَقَالَ رَسُولُ اللَّهِ
ﷺ: «تِلْكَ شَاءَ لَحْمٍ»، فَقَالَ: إِنَّ عِنْدِي

is only the meat of a sheep.’ He said: ‘I have a female goat that is a *Jadh’ah*, and it is better than the meat of two sheep, will it be acceptable for me?’ He said: ‘Yes, but it will not be acceptable from anyone after you.’” (*Ṣaḥīḥ*)

عَنَّا قَا جَذَعَةً وَهِيَ خَيْرٌ مِنْ شَاتِي لَحْمٍ، فَهَلْ تُجْزَى عَنِّي، قَالَ: «نَعَمْ وَلَكِنْ تُجْزَى عَنْ أَحَدٍ بَعْدَكَ».

تخريج: أخرجه البخاري، العيدين، باب كلام الإمام والناس في خطبة العيد ... إلخ، ح: ٩٨٣ عن مسدد ومسلم، الأضاحي، باب وقتها، ح: ١٩٦١ من حديث أبي الأحوص به.

2801. It was reported from Al-Barā' bin 'Āzib who said: "A maternal uncle of mine, called Abū Burdah, sacrificed before the ('Eid) prayer. So the Messenger of Allāh ﷺ said to him: 'Your sheep only counts as meat.' He said: 'O Messenger of Allāh! I have a (domestic) *Jadh'ah* goat with me.' He said: 'Sacrifice it, but it will be of no benefit for other than you.'" (*Ṣaḥīḥ*)

٢٨٠١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا خَالِدٌ عَنْ مُطَرِّفٍ، عَنْ غَامِرٍ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: ضَحَّى خَالَ لِي - يُقَالُ لَهُ: أَبُو بُرْدَةَ - قَبْلَ الصَّلَاةِ، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «شَاتُكَ شَاءَ لَحْمٍ»، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ عِنْدِي [دَاجِئًا] جَذَعَةً مِنَ الْمَعْزِ، فَقَالَ: «أَذْبَحْهَا وَلَا تَصْلُحْ لِغَيْرِكَ».

تخريج: أخرجه البخاري، الأضاحي، باب قول النبي ﷺ لأبي بردة ... إلخ، ح: ٥٥٥٦ عن مسدد، ومسلم، انظر الحديث السابق: ٢٨٠٠ من حديث خالد بن عبد الله به.

Comments:

These may be interpreted as meaning that it is allowed to slaughter the *Jadh'ah* sheep but not the *Jadh'ah* goat.

Chapter 5,6. What Is Disliked For *Udhiyyah*

(المعجم ٦،٥) - بَابُ مَا يُكْرَهُ مِنَ

الضَّحَايَا (التحفة ٦)

2802. It was reported from 'Ubaid bin Fairūz who said: "I asked Al-Barā' bin 'Āzib about what is not allowed for *Udhiyyah*. He said: 'The Messenger of Allāh ﷺ stood among us — and my fingers are smaller than his fingers, and my fingertips are smaller than his finger tips — and said (while pointing with his fingers): "Four

٢٨٠٢ - حَدَّثَنَا حَفْصُ بْنُ غُمَرَ التَّمَرِيُّ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ سُلَيْمَانَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ عُبَيْدِ بْنِ فَيْرُوزَ قَالَ: سَأَلْتُ الْبَرَاءَ بْنَ عَازِبٍ مَا لَا يَجُوزُ فِي الْأَضَاحِي، فَقَالَ: قَامَ فِينَا رَسُولُ اللَّهِ ﷺ - وَأَصَابِعِي أَقْصَرُ مِنْ أَصَابِعِهِ، وَأَنَا مِلِّي أَقْصَرُ

kinds of animals are not accepted for *Udhiyyah*: The '*Awra*' which has lost the sight of one eye, a sick animal which is obviously sick, a lame animal which obviously limps, and the *Kasir* (an animal with a bad leg) with no *Tanqa* (marrow).” I said: ‘I also dislike an animal which has defective teeth.’ He said: ‘What you dislike, then leave it, but do not make it unlawful for anyone.’”

(*Ṣaḥīḥ*)

Abū Dāwūd said: It does not have marrow.^[1]

تخريج: [إسناده صحيح] أخرجه الترمذي، الأضاحي، باب ما لا يجوز من الأضاحي، ح: ١٤٩٧ والنسائي، ح: ٤٣٧٤ وابن ماجه، ح: ٣١٤٤ من حديث شعبة به وقال الترمذي: "حسن صحيح" وصححه ابن خزيمة، ح: ٢٩١٢ وابن حبان، ح: ١٠٤٦، ١٠٤٧، وابن الجارود، ح: ٤٨١، ٩٠٧ والحاكم ١/٤٦٧، ٤٦٨ ووافقه الذهبي.

2803. It was reported from Yazid *Dhū Miṣr* who said: “I came to ‘Utbaḥ bin ‘Abd As-Sulamī, and said: ‘O Abūl-Walid! I went out seeking an *Udhiyyah* but I could not find anything to my liking apart from an animal whose teeth had fallen out, which I disliked. What do you say about it?’ He replied: ‘Why did you not bring it for me?’ I said: ‘*Subḥān Allāh!* It is allowed for you, and not allowed for me?’ He said: ‘Yes, because you have doubt about it, and I do not have doubt in it. The Messenger of Allāh ﷺ only prohibited the *Muṣfarrah*, the *Mustaṣalah*, the *Bakhqā’*, the *Mushayyah*, and the *Kasrā’*. So the *Muṣfarrah* is the one whose whole ear has been

مِنْ أَنَامِلِهِ - فقال: «أَرْبَعٌ لَا تَجُوزُ فِي الْأَضَاحِي: الْعَوْرَاءُ بَيْنَ عَوْرَتَيْهَا، وَالْمَرِيضَةُ بَيْنَ مَرَضَتَيْهَا، وَالْعَرْجَاءُ بَيْنَ ضَلْعَيْهَا، وَالْكَاسِرُ الَّذِي لَا تُنْقِي». قَالَ: قُلْتُ: فَإِنِّي أَكْرَهُ أَنْ يَكُونَ فِي السِّنِّ نَقْصٌ فَقَالَ: مَا كَرِهْتَ فَدَعُهُ وَلَا تُحَرِّمُهُ عَلَى أَحَدٍ. قَالَ أَبُو دَاوُدَ: لَيْسَ لَهَا مُحٌّ.

٢٨٠٣ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ قَالَ: أَخْبَرَنَا ح: وَحَدَّثَنَا عَلِيُّ بْنُ بَحْرٍ بْنُ بَرِيٍّ: حَدَّثَنَا عَيْسَى، الْمَعْنَى عَنْ ثَوْرٍ قَالَ: حَدَّثَنِي أَبُو حُمَيْدٍ الرُّعَيْنِيُّ قَالَ: أَخْبَرَنِي يَزِيدُ دُو مِصْرُ قَالَ: أَتَيْتُ عُتْبَةَ بْنَ عَبْدِ السَّلَامِيِّ فَقُلْتُ: يَا أَبَا الْوَلِيدِ! إِنِّي خَرَجْتُ أَلْتَمِسُ الضَّحَايَا فَلَمْ أَجِدْ شَيْئًا يُعْجِبُنِي غَيْرَ نَرَمَاءَ فَكَرِهْتُهَا فَمَا تَقُولُ؟ فَقَالَ: أَفَلَا جِئْتَنِي بِهَا. قُلْتُ: سُبْحَانَ اللَّهِ! تَجُوزُ عَنْكَ وَلَا تَجُوزُ عَنِّي؟ قَالَ: نَعَمْ إِنَّكَ تَشْكُ وَلَا أَشْكُ، إِنَّمَا نَهَى رَسُولُ اللَّهِ ﷺ عَنِ الْمُضْفَرَةِ وَالْمُسْتَأْصَلَةِ وَالْبَحْقَاءِ وَالْمُشَيَّعَةِ وَالْكَسْرَاءِ، فَالْمُضْفَرَةُ الَّتِي تُسْتَأْصَلُ أَذُنُهَا حَتَّى يَبْدُوَ سِمَاقُهَا

[1] He is defining *Tanqa*.

uprooted (cut, or missing) and its hole appears outwardly. The *Musta'salah* is the one whose horn has been broken from the root. The *Bakhqā'* is the one whose eye has been damaged.^[1] The *Mushayy'ah* is the one that cannot follow the rest of the herd due to it being emaciated and weak, and the *Kasrā'* is the one with a broken leg.” (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه أحمد: ١٨٥/٤ عن علي بن بحر به * أبو حميد الرعيني: مجهول (تقريب) ويزيد: لم يوثقه غير ابن حبان.

2804. It was reported from Zuhair, who said: “Abū Ishāq narrated to us, from Shuraiḥ bin Nu'mān — and he was a truthful man — from 'Alī, who said: ‘The Messenger of Allāh ﷺ ordered us to pay great attention to the eye and both the ears, and not to sacrifice the 'Awra' (blind in one eye), nor a *Muqābalah*, nor a *Mudābarah*, nor a *Kharqā'*, nor a *Sharqā'*.’” Zuhair said: “I said to Abū Ishāq: ‘Did he mention the *'Aḍbā'*?’ He replied: ‘No.’ I said: ‘What is the *Muqābalah*?’ He replied: ‘The edge of its ear has been cut.’ I said: ‘What about the *Mudābarah*?’ He replied: ‘It has been cut from the back of its ear.’ I said: ‘What about the *Sharqā'*?’ He replied: ‘The ear has been split.’ I said: ‘What about the *Kharqā'*?’ He replied: ‘A hole is made (in its ears) as a distinguishing mark.’” (*Hasan*)

تخريج: [حسن] أخرجه الترمذي، الأضاحي، باب ما يكره من الأضاحي، ح: ١٤٩٨

وَالْمُسْتَأْصَلَةُ الَّتِي اسْتُؤْصِلَ قَرْنُهَا مِنْ أَضْلِهِ،
وَالْبُخْقَاءُ الَّتِي تَبْخُقُ عَيْنُهَا، وَالْمُشَيْعَةُ الَّتِي لَا
تَتَّبِعُ الْغَنَمَ عَجَفًا وَضَعْفًا، وَالْكَسْرَاءُ
الْكَسِيرَةُ.

٢٨٠٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ
قَالَ: حَدَّثَنَا زُهَيْرٌ قَالَ: حَدَّثَنَا أَبُو إِسْحَاقَ
عَنْ شُرَيْحِ بْنِ نَعْمَانَ - وَكَانَ رَجُلٌ صِدْقٍ -
عَنْ عَلِيِّ قَالَ: أَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ
نَسْتَشْرِفَ الْعَيْنَ وَالْأُذُنَ وَلَا نَضْحِي بِعَوْرَاءَ
وَلَا مُقَابِلَةً وَلَا مُدَابِرَةً وَلَا خَرْقَاءَ وَلَا
شَرْقَاءَ. قَالَ زُهَيْرٌ: فَقُلْتُ لِأَبِي إِسْحَاقَ:
أَذْكُرُ عُضْبَاءَ؟ قَالَ: لَا قُلْتُ: فَمَا الْمُقَابِلَةُ؟
قَالَ: يَقْطَعُ طَرَفَ الْأُذُنِ، فَقُلْتُ: فَمَا
الْمُدَابِرَةُ؟ قَالَ: يَقْطَعُ مِنْ مُؤَخَّرِ الْأُذُنِ.
قُلْتُ: فَمَا الشَّرْقَاءُ؟ قَالَ: تُشَقُّ الْأُذُنُ.
قُلْتُ: فَمَا الْخَرْقَاءُ؟ قَالَ: تُخَرَّقُ أُذُنُهَا
لِلسِّمَةِ.

^[1] *Tabkhaqu 'ainuhā*: They say it means blind in one eye, or; some other obvious deformities of the eye, or that its eye has been gouged out.

والنسائي، ح: ٤٣٧٧-٤٣٨٠ وابن ماجه، ح: ٣١٤٢ من حديث أبي إسحاق به، وقال الترمذي: "حسن صحيح" وصححه الحاكم: ٢٢٤/٤ ووافقه الذهبي * أبو إسحاق سمعه من ابن أشوع (ثقة) عن شريح به في رواية قيس بن الربيع وهو ضعيف عند الحاكم وللحديث شاهد حسن عند الترمذي، ح: ١٥٠٣.

2805. It was reported from Qatādah, from Jurayy bin Kulaib, from 'Alī, that the Prophet ﷺ prohibited sacrificing the 'Adbā' (mutilated) ear and horn animals. (Hasan)

Abū Dāwud said: Jurayy is Sadūsī from Al-Baṣrah; no one reported from him except Qatādah.

٢٨٠٥ - حَدَّثَنَا مُسْلِمٌ بْنُ أَبِإِبْرَاهِيمَ قَالَ: حَدَّثَنَا هِشَامُ بْنُ أَبِي عَبْدِ اللَّهِ الدَّسْتَوَائِيُّ وَيُقَالُ لَهُ: هِشَامُ بْنُ سَنَبْرِ عَنْ قَتَادَةَ، عَنْ جُرَيْيِّ بْنِ كُؤَيْبٍ، عَنْ عَلِيٍّ: أَنَّ النَّبِيَّ ﷺ نَهَى أَنْ يُضَحَّى بِعَضْبَاءِ الْأُذُنِ وَالْقَرْنِ. قَالَ أَبُو دَاوُدَ: جُرَيْيٌّ سُدُوسِيٌّ بَصْرِيٌّ لَمْ يُحَدِّثْ عَنْهُ إِلَّا قَتَادَةَ.

تخريج: [حسن] أخرجه الترمذي، الأضاحي، باب: في الضحية بعضاء القرن والأذن، ح: ١٥٠٤ والنسائي، ح: ٤٣٨٢ وابن ماجه، ح: ٣١٤٥ من حديث قتادة به وقال الترمذي: "حسن صحيح" ورواه شعبة عن قتادة به * جري بن كليب: حسن الحديث.

2806. It was reported from Hishām from Qatādah who said: "I said to Sa'eed bin Al-Musayyab: 'What is the A'dab?' He replied: 'Half, or more than that.'" (Ṣaḥīḥ)

٢٨٠٦ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا هِشَامٌ عَنْ قَتَادَةَ قَالَ: قُلْتُ، يَعْنِي لِسَعِيدِ بْنِ الْمُسَيَّبِ: مَا الْأَعْضَبُ؟ قَالَ: النُّصْفُ فَمَا فَوْقَهُ.

تخريج: [إسناده صحيح] رواه شعبة عن قتادة به (النسائي، ح: ٤٣٨٢).

Chapter 6,7. How Many People Can Share A Cow And A Camel?

2807. It was reported from 'Abdull-Malik, from 'Aṭā', from Jābir bin 'Abdullāh who said: "We used to perform *Tamatta'u* during the lifetime of the Messenger of Allāh ﷺ; we would sacrifice a cow on behalf of seven people, and share it." (Ṣaḥīḥ)

(المعجم ٦، ٧) - بَابُ الْبَقَرِ وَالْجَزُورِ عَنْ كَمْ تُجْزَى؟ (التحفة ٧)

٢٨٠٧ - حَدَّثَنَا أَحْمَدُ [بْنُ مُحَمَّدٍ] بْنُ حَبْلٍ قَالَ: حَدَّثَنَا هُشَيْمٌ قَالَ: حَدَّثَنَا عَبْدُ الْمَلِكِ عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كُنَّا نَتَمَتَّعُ فِي عَهْدِ رَسُولِ اللَّهِ ﷺ نَذْبَحُ الْبَقْرَةَ عَنْ سَبْعَةٍ نَشْتَرِكُ فِيهَا.

تخريج: أخرجه مسلم، الحج، باب جواز الاشتراك في الهدي ... إلخ، ح: ٣٥٥/١٣١٨ من حديث هشيم به وهو في مسند أحمد: ٣٠٤/٣.

2808. It was reported from Qais, from 'Aṭā', from Jābir bin 'Abdullāh, that the Prophet ﷺ said: "A cow suffices for seven, and a camel suffices for seven." (*Ṣaḥīḥ*)

٢٨٠٨ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: أَخْبَرَنَا حَمَّادٌ عَنْ قَيْسٍ، عَنْ عَطَاءٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّ النَّبِيَّ ﷺ قَالَ: «الْبَقَرَةُ عَنْ سَبْعَةٍ وَالْجَزُورُ عَنْ سَبْعَةٍ».

تخريج: [إسناده صحيح] أخرجه الطبراني في الأوسط: ٦/٤٢٧، ح: ٥٩١٣ من حديث موسى بن إسماعيل به وقال: "لم يرو هذا الحديث عن قيس بن سعد إلا حماد بن سلمة" وانظر الحديث السابق.

2809. It was reported from Abū Az-Zubair Al-Makkī, from Jābir bin 'Abdullāh, who said: "We performed the *Naḥr* along with the Messenger of Allāh ﷺ at Al-Ḥudaibiyah: A camel for seven people, and a cow for seven people." (*Ṣaḥīḥ*)

٢٨٠٩ - حَدَّثَنَا الْقُعْنَبِيُّ عَنْ مَالِكٍ، عَنْ أَبِي الزُّبَيْرِ الْمَكِّيِّ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّهُ قَالَ: نَحَرْنَا مَعَ رَسُولِ اللَّهِ ﷺ بِالْحُدَيْبِيَّةِ الْبَدَنَةَ عَنْ سَبْعَةٍ وَالْبَقَرَةَ عَنْ سَبْعَةٍ.

تخريج: أخرجه مسلم، الحج، باب جواز الاشتراك في الهدي ... إلخ، ح: ٣٥٠/١٣١٨ من حديث مالك بن أنس به وهو في الموطأ (يحيى): ٤٨٦/٢.

Comments:

1. The *Ḥadīth* confirms that slaughtering the cow, the ox, the camel and the she-camel for sacrifice is proven from the *Sunnah* of the Messenger of Allāh ﷺ.
2. As for the cow as a sacrifice, seven people can share it for a *Hadī* and *Uḍḥiyyah*. As for the camel, however, seven people can share it for a *Hadī*, and ten can share it for *Uḍḥiyyah* as proven from other narrations. See no. 1501 of *Jāmi' At-Tirmidhī*.

Chapter 7,8. A Sheep Sacrificed For A Group Of People

(المعجم ٧، ٨) بَابُ: فِي الشَّاةِ يُضَحَّى بِهَا عَنْ جَمَاعَةٍ (التحفة ٨)

2810. It was reported from Al-Muṭṭalib, from Jābir bin 'Abdullāh who said: "I attended the *Uḍḥiyyah* with the Messenger of Allāh ﷺ at the *Muṣalla*. When he finished his *Khuṭbah*, he descended from his

٢٨١٠ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا بَعْثُوبٌ يَعْنِي الْإِسْكََنْدَرِيَّ عَنْ عَمْرِو، عَنْ الْمُطَّلِبِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: شَهِدْتُ مَعَ رَسُولِ اللَّهِ ﷺ الْأَضْحَى فِي

Minbar, and a ram was brought which the Messenger of Allāh ﷺ slaughtered with his own hands, and he said: "In the Name of Allāh, Allāh is the Most Great; this sacrifice is on behalf of me, and on behalf of those among my *Ummah* who did not sacrifice." (*Hasan*)

المُصَلَّى، فَلَمَّا قَضَى خُطْبَتَهُ نَزَلَ مِنْ مِنْبَرِهِ وَأَتَى بِكَبْشٍ فَذَبَحَهُ رَسُولُ اللَّهِ ﷺ بِيَدِهِ وَقَالَ: «بِسْمِ اللَّهِ وَ اللَّهُ أَكْبَرُ هَذَا عَلَيَّ وَعَمَّنْ لَمْ يُضَحَّ مِنْ أُمَّتِي».

تخريج: [حسن] أخرجه الترمذي، الأضاحي، باب ما يقول إذا ذبح، ح: ١٥٢١ عن قتبية به * المطلب بن عبدالله صرح بالسمع عند الطحاوي في معاني الآثار: ١٧٧/٤ وللحديث شواهد عند الحاكم: ٢٢٩/٤ وغيره وعمره هو ابن أبي عمرو.

Comments:

The fact that one goat suffices for all the members of a family is authentically proven, but it being 'on behalf of others' as well, is exclusive to the Messenger of Allāh ﷺ.

Chapter 8,9. The *Imām* Slaughtering At The *Muṣalla*

(المعجم ٩، ٨) - بَابُ الْإِمَامِ يَذْبَحُ بِالْمُصَلَّى (التحفة ٩)

2811. It was reported from Nāfi', from Ibn 'Umar that the Prophet ﷺ used to slaughter his sacrifice at the *Muṣalla*, and Ibn 'Umar would do the same. (*Ṣaḥīḥ*)

٢٨١١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ أَنَّ أَبَا أُسَامَةَ حَدَّثَهُمْ عَنْ أُسَامَةَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ كَانَ يَذْبَحُ أَضْحِيَّتَهُ بِالْمُصَلَّى، وَكَانَ ابْنُ عُمَرَ يَفْعَلُهُ.

تخريج: [صحيح] أخرجه ابن ماجه، الأضاحي، باب الذبح بالمصلّى، ح: ٣١٦١ من حديث أسامة بن زيد به وسنده حسن وأصله عند البخاري، ح: ٩٨٢ من حديث نافع به.

Comments:

It is desirable to offer his sacrifice at the *Muṣalla*, but valid if performed at another location.

Chapter 9,10. Storing The Meat Of The Sacrifice

(المعجم ٩، ١٠) - بَابُ حَبْسِ لُحُومِ الْأَضَاحِي (التحفة ١٠)

2812. It was reported from 'Āishah who said: "A delegation of Bedouins attended *Al-Adḥā* during the time of the Messenger of Allāh ﷺ. The Messenger of Allāh ﷺ said: 'Store three days (worth of meat), and give what remains in charity.'" She said: "After that, the

٢٨١٢ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ قَالَتْ: سَمِعْتُ عَائِشَةَ تَقُولُ: دَفَّ نَاسٌ مِنْ أَهْلِ الْبَادِيَةِ حَضْرَةَ الْأَضْحَى فِي زَمَانِ رَسُولِ اللَّهِ ﷺ: فَقَالَ رَسُولُ اللَّهِ

people said to the Messenger of Allāh ﷺ: 'O Messenger of Allāh! People used to use their sacrifices, melting the fat from them, and making water skins.' The Messenger of Allāh ﷺ said: 'And what is the problem?' — or as he said — they replied: 'O Messenger of Allāh! You have prohibited us from keeping the meat of the *Udhiyah* for more than three days.' The Messenger of Allāh ﷺ said: 'I only prohibited you (from that) due to the delegation that came to you; so eat, give in charity and store.' (Ṣaḥīḥ)

تخريج: أخرجه مسلم، الأضاحي، باب بيان ما كان من النهي عن أكل لحوم الأضاحي بعد الثلاث ... إلخ، ح: ١٩٧١ من حديث مالك به وهو في الموطأ (يحيى): ٤٨٤/٢، ٤٨٥.

2813. It was reported from Nubaishah who said: "The Messenger of Allāh ﷺ said: 'I only prohibited you from eating its meat beyond three days so that everybody could get a share of it. As Allāh has blessed us with plenty now; then eat, store, and seek rewards (by giving in charity). Indeed, these days are days of eating, drinking and remembrance of Allāh, the Mighty and Sublime.'" (Ṣaḥīḥ)

تخريج: [صحيح] وأخرجه النسائي، الفرع والعتيرة، باب تفسير الفرع، ح: ٤٢٣٦ من حديث يزيد بن زريع، وابن ماجه، ح: ٣١٦٠ من حديث خالد الحذاء به، وأصله عند مسلم، ح: ١١٤١.

Comments:

The inference that we get from the *Ḥadīth* is that where the poor and the needy are in large numbers, one should not store more than three days worth of meat, but rather distribute what is beyond that among the population. If, however, the situation is reverse, one may keep more than three days worth of the meat.

ﷺ: «ادَّخِرُوا لثَلَاثٍ وَتَصَدَّقُوا بِمَا بَقِيَ»، قَالَتْ: فَلَمَّا كَانَ بَعْدَ ذَلِكَ قِيلَ لِرَسُولِ اللَّهِ ﷺ: يَا رَسُولَ اللَّهِ! لَقَدْ كَانَ النَّاسُ يَتَتَبِعُونَ مِنْ ضَحَايَاهُمْ وَيَجْمِلُونَ مِنْهَا الْوَدَكَ وَيَتَّخِذُونَ مِنْهَا الْأَسْقِيَّةَ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «وَمَا ذَاكَ» - أَوْ كَمَا قَالَ - قَالُوا: يَا رَسُولَ اللَّهِ! نَهَيْتَ عَنْ إِمْسَاكِ لُحُومِ الضَّحَايَا بَعْدَ ثَلَاثٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا نَهَيْتُكُمْ مِنْ أَجْلِ الدَّافَةِ الَّتِي دَفَّتْ عَلَيْكُمْ، فَكُلُوا وَتَصَدَّقُوا وَادَّخِرُوا».

٢٨١٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا خَالِدُ الْحَذَاءُ عَنْ أَبِي الْمَلِيحِ، عَنْ بُيُشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّا كُنَّا نَهَيْتُكُمْ عَنْ لُحُومِهَا أَنْ تَأْكُلُوهَا فَوْقَ ثَلَاثٍ لِكَيْ تَسْعَكُمْ فَقَدْ جَاءَ اللَّهُ بِالسَّعَةِ، فَكُلُوا وَادَّخِرُوا وَأَنْجِرُوا أَلَا وَإِنَّ هَذِهِ الْأَيَّامَ أَيَّامُ أَكْلِ وَشُرْبٍ وَذِكْرِ اللَّهِ عَزَّوَجَلَّ».

Chapter 10,11. Regarding The Prohibition Of The Animals Being Confined (To Be Shot At), And, Being Gentle With The Animal To Be Slaughtered

(المعجم ١٠، ١١) بَابُ: فِي النَّهْيِ أَنْ تُصَبَّرَ الْبَهَائِمُ وَالرَّفْقِ بِالذَّبِيحَةِ
(التحفة ١١)

2814. It was reported from Shaddād bin Aws who said: "There are two things I heard from the Messenger of Allāh ﷺ: 'Indeed Allāh has ordained *Ihsān* (beneficence) in everything; so when you kill, then do it in the best manner.'" — Other narrators aside from Muslim said: "So kill in a good manner," — "and when you slaughter, then do it in the best manner, and let one of you sharpen his knife and provide comfort to the animal.'" (*Ṣaḥīh*)

٢٨١٤ - حَدَّثَنَا مُسْلِمٌ بْنُ إِبْرَاهِيمَ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ خَالِدِ الْحَدَّاءِ، عَنْ أَبِي قَلَابَةَ، عَنْ أَبِي الْأَسْعَثِ، عَنْ شَدَّادِ بْنِ أَوْسٍ قَالَ: خَصَلْتَانِ سَمِعْتُهُمَا مِنْ رَسُولِ اللَّهِ ﷺ: «إِنَّ اللَّهَ كَتَبَ الْإِحْسَانَ عَلَى كُلِّ شَيْءٍ، فَإِذَا قَتَلْتُمْ فَأَحْسِنُوا»، قَالَ غَيْرُ مُسْلِمٍ: يَقُولُ: «فَأَحْسِنُوا الْقِتْلَةَ، وَإِذَا ذَبَحْتُمْ فَأَحْسِنُوا الذَّبْحَ وَلِيُجِدْ أَحَدُكُمْ شَفْرَتَهُ وَلِيُرِخَ ذَبِيحَتَهُ».

تخريج: أخرجه مسلم، الصيد والذبائح، باب الأمر بإحسان الذبح والقتل وتحديد الشفرة، ح: ١٩٥٥ من حديث شعبة به.

2815. It was reported from Hishām bin Zaid, who said: "I entered along with Anas upon Al-Hakam bin Ayyūb. He saw some youths — or boys — who had confined a chicken which they were shooting at. Anas said: 'The Messenger of Allāh ﷺ prohibited confining an animal (to shoot at it).'" (*Ṣaḥīh*)

٢٨١٥ - حَدَّثَنَا أَبُو الْوَلِيدِ الطَّلَبِيُّ: حَدَّثَنَا شُعْبَةُ عَنْ هِشَامِ بْنِ زَيْدٍ قَالَ: دَخَلْتُ مَعَ أَنَسٍ عَلَى الْحَكَمِ بْنِ أَيُّوبَ فَرَأَى فِتْيَانًا - أَوْ غُلَمَانًا - قَدْ نَصَبُوا دُجَاجَةً يَرْمُونَهَا، فَقَالَ أَنَسٌ: نَهَى رَسُولُ اللَّهِ ﷺ أَنْ تُصَبَّرَ الْبَهَائِمُ.

تخريج: أخرجه البخاري، الذبائح والصيد، باب ما يكره من المثلة والمصورة والمجسمة، ح: ٥٥١٣ عن أبي الوليد الطيالسي، ومسلم، الصيد والذبائح، باب النهي عن صبر البهائم، ح: ١٩٥٦ من حديث شعبة به.

Comments:

It means that it is unlawful to use an animal as target practice, by confining it or fettering it, and shooting at it.

Chapter 11,12. Regarding A Traveler Slaughtering

2816. It was reported from Thawbān who said: “The Messenger of Allāh ﷺ sacrificed, and then said: ‘O Thawbān! Prepare the meat of this sheep for us.’” He said: “I then kept on feeding him from it, until we reached Al-Madīnah.” (*Ṣaḥīh*)

(المعجم ١١، ١٢) بَابُ: فِي الْمُسَافِرِ
يُضْحِي (التحفة ١٢)

٢٨١٦ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ: حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ الْحَيَّاطُ: حَدَّثَنَا مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ أَبِي الرَّاهِرِيِّ، عَنْ جُبَيْرِ بْنِ نُفَيْرٍ، عَنْ ثَوْبَانَ قَالَ: صَلَّى رَسُولُ اللَّهِ ﷺ ثُمَّ قَالَ: «يَا ثَوْبَانُ! أَصْلِحْ لَنَا لَحْمَ هَذِهِ الشَّاةِ». قَالَ: فَمَا زِلْتُ أُطْعِمُهُ مِنْهَا حَتَّى قَدِمْنَا الْمَدِينَةَ.

تخريج: أخرجه مسلم، الأضاحي، باب بيان ما كان من النهي عن أكل لحوم الأضاحي بعد ثلاث في أول الإسلام ... إلخ، ح: ١٩٧٥ من حديث معاوية بن صالح به.

Chapter 12,13. Regarding the Animals Slaughtered By The People of Book

2817. It was reported from Yazīd An-Nahwī, from 'Ikrimah, from Ibn 'Abbās, who said: The Verse “So eat of that upon which Allāh’s Name has been mentioned”^[1] and the Verse “Eat not of that upon which Allāh’s Name has not been mentioned”^[2] were abrogated, and an exception was granted for that, so He said: The food of the people of the Book is lawful to you, and yours is lawful to them.”^[3] (*Ḥasan*)

(المعجم ١٢، ١٣) بَابُ: فِي ذَبَائِحِ أَهْلِ الْكِتَابِ (التحفة ١٣)

٢٨١٧ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ ثَابِتٍ الْمَرْوَزِيُّ قَالَ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: «فَكُلُوا مِمَّا ذَكَرَ اسْمُ اللَّهِ عَلَيْهِ» [الأنعام: ١١٨] «وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكُرْ اسْمُ اللَّهِ عَلَيْهِ» [الأنعام: ١٢١] فَنُسِخَ وَاسْتَنْتَى مِنْ ذَلِكَ فَقَالَ: «وَلَطَعَامُ الَّذِينَ أَرُونَا الْكِتَابَ حِلٌّ لَكُمْ وَطَعَامُكُمْ حِلٌّ لَهُمْ» [المائدة: ٥].

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٨٢/٩ من حديث أبي داود به.

[1] *Al-An'ām*: 6:118.

[2] *Al-An'ām*: 6:121.

[3] *Al-Mā'idah*: 5:5.

2818. It was reported from Simāk, from 'Ikrimah, from Ibn 'Abbās, regarding Allāh's saying: The *Shaiātīn* (devils) do inspire their friends (from mankind) — they used to say: "You do not eat what Allāh has slaughtered, but you eat what you have slaughtered." So Allāh revealed: Eat not of that upon which Allāh's Name has not been mentioned.^[1] (*Ḍa'īf*)

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الذبائح، باب التسمية عند الذبح، ح: ٣١٧٣ من حديث إسرائيل به، سماك عن عكرمة سلسلة ضعيفة، وله شاهد ضعيف في المعجم الكبير للطبراني: ١١/٢٤٢ ح: ١١٦١٤.

2819. It was reported from Sa'eed bin Jubair, from Ibn 'Abbās who said: "The Jews came to the Prophet ﷺ, and they said: 'We eat from what we kill, and we do not eat from what Allāh kills.' So Allāh, the Exalted, revealed: 'Eat not of that upon which Allāh's Name has not been mentioned...' until the end of the Verse." (*Ḍa'īf*)

تخريج: [إسناده ضعيف] أخرجه الترمذي، تفسير القرآن، باب: ومن سورة الأنعام، ح: ٣٠٦٩ من حديث عطاء بن السائب به وهو ممن اختلط ولم يثبت تحديثه به قبل اختلاطه ومع ذلك قال الترمذي: "حسن غريب".

Chapter 13,14. What Has Been Reported About Eating The *Mu'āqarah* Of The Bedouins.

2820. It was reported from Abū Raihānah, from Ibn 'Abbās, who said: "The Messenger of Allāh ﷺ prohibited the *Mu'āqarah* of the

٢٨١٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنَا إِسْرَائِيلُ: حَدَّثَنَا سِمَاكٌ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ: ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكَرُوا﴾ [الأنعام: ١٢١] يَقُولُونَ: مَا ذَبَحَ اللَّهُ فَلَا تَأْكُلُوهُ، وَمَا ذَبَحْتُمْ أَنْتُمْ فَكُلُوهُ، فَأَنْزَلَ اللَّهُ ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكَرْهُ اللَّهُ عَلَيْهِ﴾ [الأنعام: ١٢١].

٢٨١٩ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا عِمْرَانُ بْنُ عُيَيْنَةَ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: جَاءَتِ الْيَهُودُ إِلَى النَّبِيِّ ﷺ فَقَالُوا: نَأْكُلُ مِمَّا قَتَلْنَا، وَلَا نَأْكُلُ مِمَّا قَتَلَ اللَّهُ، فَأَنْزَلَ اللَّهُ تَعَالَى: ﴿وَلَا تَأْكُلُوا مِمَّا لَمْ يَذْكَرْهُ اللَّهُ عَلَيْهِ﴾ إِلَى آخِرِ الْآيَةِ.

(المعجم ١٣، ١٤) - بَابُ مَا جَاءَ فِي أَكْلِ مُعَاقَرَةِ الْأَعْرَابِ (التحفة ١٤)

٢٨٢٠ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: حَدَّثَنَا حَمَادُ بْنُ مَسْعَدَةَ عَنْ عَوْفٍ، عَنْ أَبِي رَيْحَانَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: نَهَى رَسُولُ اللَّهِ

[1] *Al-An'ām*: 6:121.

[2] *Al-An'ām*: 6:121.

Bedouins.”^[1] (*Ḍaʿīf*)

Abū Dāwud said: Gundar (another narrator) has narrated this in *Mawqūf* form from Ibn ‘Abbās.

Abū Dāwud said: Abū Raiḥānah’s name is ‘Abdullāh bin Maṭar.

عَنْ مُعَاوَةَ الْأَعْرَابِ.

قَالَ أَبُو دَاوُدَ: غُنْدَرٌ أَوْفَقَهُ عَلَى ابْنِ عَبَّاسٍ.

قَالَ أَبُو دَاوُدَ: اسْمُ أَبِي رَيْحَانَةَ عَبْدُ اللَّهِ ابْنُ مَطَرٍ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣١٣/٩، ٣١٤ من حديث أبي داود به وأورده الضياء في المختارة: ١١/١٣١، ح: ١٢٤ * أبو ريحانة: اختلط ولا يعلم سماع عوف منه قبل اختلاطه.

Chapter 14,15. Slaughtering With *Marwah*^[2]

(المعجم ١٤، ١٥) - بَابُ الذَّبِيحَةِ بِالْمَرْوَةِ (التحفة ١٥)

2821. It was reported from Rāfi‘ bin Khadīj who said: “I came to the Messenger of Allāh ﷺ and said: ‘O Messenger of Allāh! We shall be meeting the enemy tomorrow, and we have no knives. Can we slaughter with *Marwah* and with a splinter of a staff?’ The Messenger of Allāh ﷺ said: ‘Make the slaughtering quick, (using) whatever makes the blood flow, and (when) Allāh’s Name has been mentioned, then eat from it, except for the tooth and nail. I will tell you about it. As for the tooth, it is a bone, and the nail is the knife of the Ethiopians.’ Some people hastened and went forward. They hurried and got spoils. The Messenger of Allāh ﷺ was in the

٢٨٢١ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا أَبُو الْأَحْوَصِ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ مَسْرُوقٍ عَنْ عَبَّادَةَ بْنِ رِفَاعَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ رَافِعِ بْنِ خَدِيجٍ قَالَ: أَتَيْتُ رَسُولَ اللَّهِ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّا نَلْقَى الْعَدُوَّ غَدًا وَلَيْسَ مَعَنَا مُدَى أَفَنْذِيحَ بِالْمَرْوَةِ وَشِقَاقِ الْعَصَا؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَرِنِ أَوْ اعْمَلِ، مَا أَنْهَرَ الدَّمَ وَذَكَرَ اسْمُ اللَّهِ عَلَيْهِ فَكُلُوا، مَا لَمْ يَكُنْ سِنَّ أَوْ ظُفْرٌ وَسَأُحَدِّثُكُمْ عَنْ ذَلِكَ أَمَّا السِّنُّ فَعَظْمٌ، وَأَمَّا الظُّفْرُ فَمُدَى الْحَبَشَةِ»، وَتَقَدَّمَ بِهِ سَرْعَانِ مِنَ النَّاسِ فَتَعَجَّلُوا فَأَصَابُوا مِنَ الْعَنَائِمِ وَرَسُولُ اللَّهِ ﷺ فِي آخِرِ النَّاسِ فَنَضَبُوا قُدُورًا، فَمَرَّ رَسُولُ

^[1] It was a custom that two men would compete in hospitality with each other, slaughtering as many camels as they could, whoever slaughtered the most for the other, he was the victor. It was disliked because the animals were slaughtered only to show off and to boast. See no. 3222 for a related narration.

^[2] A type of stone, like marble or granite, and they say that Al-Marwāh, the mount opposite Aṣ-Ṣafā, was made of it.

rear. And they set up cooking pots. The Messenger of Allāh ﷺ passed by the pots and ordered them to be turned over. He then divided the spoils among them, and he equated a camel to ten sheep. One of the camels of the people ran away, and they had no horses with them at the time. A man shot an arrow at it, and Allāh prevented it from escaping. The Messenger of Allāh ﷺ said: 'Some of these animals bolt like wild animals, so whenever any of them does so, do like this with it.' (Ṣaḥīḥ)

اللَّهُ ﷻ بِالْقُدُورِ فَأَمَرَ بِهَا فَأُكْفِئَتْ وَقَسَمَ بَيْنَهُمْ فَعَدَلَ بَعِيرًا بِعَشْرِ شِيَاهِ، وَنَدَّ بَعِيرٌ مِنْ إِبِلِ الْقَوْمِ وَلَمْ يَكُنْ مَعَهُمْ حَيْلٌ، فَرَمَاهُ رَجُلٌ بِسَهْمٍ فَحَبَسَهُ اللَّهُ فَقَالَ النَّبِيُّ ﷺ: «إِنَّ لَهُذِهِ الْبَهَائِمِ أَوَابِدَ كَأَوَابِدِ الْوَحْشِ وَمَا فَعَلَ مِنْهَا هَذَا فَافْعَلُوا بِهِ مِثْلَ هَذَا».

تخریج: أخرجه البخاري، الذبائح والصيد، باب التسمية على الذبيحة ومن ترك متعمداً، ح: ٥٤٩٨ من حديث سعيد بن مسروق، ومسلم، الأضاحي، باب جواز الذبح بكل ما أنهر الدم ... إلخ، ح: ١٩٦٨ من حديث عباية بن رفاعه به.

Comments:

It is allowed to slaughter an animal with any blade, be it made of flint, marble, etc., as well as a stake or other than that which will make the blood flow. Slaughtering with teeth, bones and fingernails is, however, prohibited since it is a practice of idolaters.

2822. It was reported from Ash-Sha'bī, from Muḥammad bin Ṣafwān — or Ṣafwān bin Muḥammad — who said: "I hunted two rabbits and slaughtered them with a *Marwah*, then I asked the Messenger of Allāh ﷺ about it. He told me to eat it." (Ḥasan)

٢٨٢٢ - حَدَّثَنَا مُسَدَّدٌ أَنَّ عَبْدَ الْوَاحِدِ بْنَ زِيَادٍ وَحَمَادًا الْمَعْنَى وَاجِدٌ حَدَّثَاهُمَا عَنْ عَاصِمٍ، عَنِ الشَّعْبِيِّ، عَنْ مُحَمَّدِ بْنِ صَفْوَانَ - أَوْ صَفْوَانَ بْنِ مُحَمَّدٍ - قَالَ: أَصَدْتُ أَرْنَبَيْنِ فَذَبَحْتُهُمَا بِمَرْوَةٍ فَسَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنْهُمَا، فَأَمَرَنِي بِأَكْلِهِمَا.

تخریج: [إسناده حسن] أخرجه النسائي، الصيد، باب الأرنب، ح: ٤٣١٨ و ٤٤٠٤ وابن ماجه، ح: ٣١٧٥، ٣٢٤٤، من حديث عامر الشعبي به، وصححه ابن حبان، ح: ١٠٦٩ والمحاكم ٢٣٥/٤ ووافقه الذهبي.

Comments:

The hare is permissible to eat. In the absence of a knife, it is permitted to slaughter it with a sharp object.

2823. ‘Aṭā’ bin Yasār narrated from a man from Banū Ḥārithah; “While he was grazing a *Liḡḡah* in one of the mountain passes of Uḥud, he saw that it was about to die. He could not find anything to slaughter the animal with. He took a stake and stabbed it in the upper part of the breast till the blood gushed out. Then he came to the Prophet ﷺ and informed him about it. He told him to eat it.” (*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] وأخرجه البيهقي: ٢٥٠/٩، ٢٨١ من حديث أبي داود به، ورواه أحمد: ٤٣٠/٥.

2824. It was reported from ‘Adī bin Ḥātim who said: “I said: ‘O Messenger of Allāh! What if one of us catches some game and he does not have a knife, can he slaughter it with a *Marwah* and a splinter of a staff?’ He said: ‘Cause the blood to flow with whatever you want, and mention the Name of Allāh.’” (*Ḥasan*)

تخريج: [إسناده حسن] وأخرجه النسائي، الصيد، باب الصيد إذا أُنْتِن، ح: ٤٣٠٩ من حديث سماك بن حرب به، وصححه الحاكم على شرط مسلم: ٢٤/٤ ووافقه الذهبي.

Comments:

As proved from the previous *Aḥādīth*, it is not allowed in Islam to slaughter an animal with human teeth or fingernails. Barring these two methods, the animal slaughtered in Allāh’s Name with any sharp device would be legitimate and permitted to eat.

Chapter 15/16. Regarding Slaughtering The *Mutaraddiyah*^[1]

2825. It was reported from Abū

٢٨٢٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنَا يَعْقُوبُ بْنُ زَيْدٍ بْنِ أَسْلَمَ، عَنْ عَطَاءِ ابْنِ إِسَارٍ، عَنْ رَجُلٍ مِنْ بَنِي حَارِثَةَ: أَنَّهُ كَانَ يَرْعَى لِفَحَةً بِشُعْبٍ مِنْ شِعَابِ أُحُدٍ فَأَخَذَهَا الْمَوْتُ وَلَمْ يَجِدْ شَيْئًا يَنْحَرُهَا بِهِ فَأَخَذَ وَتَدَا فَوَجَّأَ بِهِ فِي لَبَتِهَا حَتَّى أَهْرَبَ دَمَهَا، ثُمَّ جَاءَ إِلَى النَّبِيِّ ﷺ فَأَخْبَرَهُ بِذَلِكَ، فَأَمَرَهُ بِأَكْلِهَا.

٢٨٢٤ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ سِمَاكِ بْنِ حَرْبٍ، عَنْ مُرِّيِّ ابْنِ قَطَرِيٍّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أَرَأَيْتَ إِنْ أَحَدُنَا أَصَابَ صَيْدًا وَلَيْسَ مَعَهُ سِكِّينٌ أَيْدُبُحُ بِالْمَرْوَةِ وَشِقَّةِ الْعَصَا؟ فَقَالَ: «أَمْرٌ الدَّمُ بِمَا شِئْتَ وَادْكُرْ اسْمَ اللَّهِ».

(المعجم ١٥، ١٦) بَابُ: فِي ذَبْحَةِ الْمُتَرَدِّيَةِ (التحفة ١٦)

٢٨٢٥ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ قَالَ:

^[1] An animal that has fallen from a high place to a low place, and it is still alive, and it can not be removed, like in a well for example.

Al-'Ushrā' from his father, that he said: "O Messenger of Allāh! Is the slaughtering only done in the upper part of the chest or the throat?" The Messenger of Allāh ﷺ replied: "If you pierce its thigh it will be acceptable from you." (Da'if)

Abū Dāwud said: This is valid only for the *Mutaraddiyah*, or a wild animal.

حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ أَبِي الْعَشْرَاءِ، عَنْ أَبِيهِ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ! أَمَا تَكُونُ الذَّكَاءُ إِلَّا مِنَ اللَّيِّئَةِ أَوْ الْحَلْقِ؟ قَالَ: فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَوْ طَعَنْتَ فِي فَخِذِهَا لَأَجَزَأَ عَنْكَ».

قَالَ أَبُو دَاوُدَ: لَا يَصْلُحُ هَذَا إِلَّا فِي الْمُتَرَدِّئَةِ وَالْمُتَوَحِّشِ.

تخریج: [إسناده ضعيف] أخرجه الترمذي، الصيد، باب ما جاء في الذكاة في الحلق واللبة، ح: ١٤٨١ والنسائي، ح: ٤٤١٣ وابن ماجه، ح: ٣١٨٤ من حديث حماد بن سلمة به، وقال الترمذي: "غريب" وصححه ابن الجارود، ح: ٩٠٧ وقال البخاري، في أبي العشاء: "في حديثه واسمه وسماعه من أبيه نظر" وله شاهد ضعيف عند الهيثمي في مجمع الزوائد: ٣٤/٤.

Chapter 16/17. Regarding Exaggeration When Slaughtering

2826. It was reported from 'Amr bin 'Abdullāh, from 'Ikrimah, from Ibn 'Abbās — Ibn 'Eisā (one of the narrators) added: and Abū Hurairah — who said: "The Messenger of Allāh ﷺ prohibited the *Shaitān's* skinning." Ibn 'Eisā added in his narration: "This refers to a slaughtered animal whose skin is cut off, without slitting its jugular veins, and then it is left to die." (Da'if)

Abū Dāwud said: They call this one 'Amr Barq. 'Ikrimah stayed with his father in Yemen. Whenever Ma'mar narrated anything from him he would say: "Amr bin 'Abdullāh," and when the people of Yemen narrated from him he would not be named.

(المعجم ١٦، ١٧) **بَابُ: فِي الْمُبَالَغَةِ فِي الذَّبْحِ** (التحفة ١٧)

٢٨٢٦ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ وَالْحَسَنُ ابْنُ عِيْسَى مَوْلَى ابْنِ الْمُبَارَكِ عَنْ ابْنِ الْمُبَارَكِ، عَنْ مَعْمَرٍ، عَنْ عَمْرِو بْنِ عَبْدِ اللَّهِ، عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ - زَادَ ابْنُ عِيْسَى: وَأَبِي هُرَيْرَةَ - قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ شَرِيطَةِ الشَّيْطَانِ.

زَادَ ابْنُ عِيْسَى فِي حَدِيثِهِ: وَهِيَ الَّتِي تُذْبَحُ فَيَقْطَعُ الْجِلْدُ، وَلَا تُقَرَى الْأَوْدَاجُ ثُمَّ تُتْرَكُ حَتَّى تَمُوتَ.

قَالَ أَبُو دَاوُدَ: وَهَذَا يُقَالُ لَهُ عَمْرُو بَرْقٍ، نَزَلَ عِكْرِمَةُ عَلَى أَبِيهِ بِالْيَمَنِ، كَانَ مَعْمَرٌ إِذَا حَدَّثَ عَنْهُ قَالَ: عَمْرُو بْنُ عَبْدِ اللَّهِ، وَإِذَا حَدَّثَ عَنْهُ أَهْلُ الْيَمَنِ كَانَ لَا يَسْمِيهِ.

تخریج: [إسناده ضعيف] أخرجه أحمد: ١/٢٨٩ من حديث ابن المبارك به وصححه ابن

حبان، ح: ١٠٧٤ والحاكم: ١١٣/٤ ووافقه الذهبي * عمرو بن عبدالله: ضعيف على الراجح، وضعفه الجمهور.

Chapter 17/18. Regarding Slaughtering The Fetus

(المعجم ١٧، ١٨) - بَابُ مَا جَاءَ فِي ذَكَاةِ الْجَنِينِ (التحفة ١٨)

2827. It was reported from Abū Sa'eed, who said: "I asked the Messenger of Allāh ﷺ about the fetus. He replied: 'Eat it if you wish.'" — Musad-dad (one of the narrators) had it: "We said: 'O Messenger of Allāh ﷺ we perform *Nahr* (slaughter) a she-camel, a cow and a sheep, and we find a fetus in its womb. Do we throw it away or can we eat it?' He said: 'Eat it if you wish, for the slaughter of its mother serves as its slaughtering.'" (*Ṣaḥīḥ*)

٢٨٢٧ - حَدَّثَنَا الْقُعَيْبِيُّ قَالَ: أَخْبَرَنَا ابْنُ الْمُبَارَكِ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا هُشَيْمٌ عَنْ مُجَالِيدٍ، عَنْ أَبِي الْوَدَّاعِ، عَنْ أَبِي سَعِيدٍ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ عَنِ الْجَنِينِ، فَقَالَ: «كُلُّوهُ إِنْ شِئْتُمْ»، وَقَالَ مُسَدَّدٌ قُلْنَا: يَا رَسُولَ اللَّهِ! نَنَحِّرُ النَّاقَةَ وَنَذْبَحُ الْبَقَرَةَ وَالشَّاةَ فَنَجِدُ فِي بَطْنِهَا الْجَنِينَ أُنَلِّقِيهِ أَمْ نَأْكُلُهُ؟ قَالَ: «كُلُّوهُ إِنْ شِئْتُمْ فَإِنَّ ذَكَاتَهُ ذَكَاةُ أُمِّهِ».

تخریج: [صحیح] أخرجه الترمذي، الصيد، باب ما جاء في ذكاة الجنين، ح: ١٤٧٦ من حديث مجالد به وقال: "حسن صحيح" ورواه ابن ماجه، ح: ٣١٩٩ * مجالد: تابعه يونس بن أبي إسحاق (موارد الظمان: ١٠٧٧) وللحديث طرق أخرى.

2828. It was reported from Abū Az-Zubair, from Jābir bin 'Abdullāh, from the Messenger of Allāh ﷺ, who said: "It is enough for the slaughtering of the fetus that its mother is slaughtered." (*Ḥasan*)

٢٨٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ قَالَ: حَدَّثَنِي إِسْحَاقُ بْنُ إِبْرَاهِيمَ بْنِ رَاهُوَيْهِ قَالَ: حَدَّثَنَا عَتَّابُ بْنُ بَشِيرٍ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ أَبِي زِيَادٍ الْقُدَّاحُ الْمَكِّيُّ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «ذَكَاةُ الْجَنِينِ ذَكَاةُ أُمِّهِ».

تخریج: [حسن] أخرجه الدارمي، ح: ١٩٨٥ عن إسحاق بن راهويه به وصححه الحاكم على شرط مسلم: ١١٤/٤ ووافقه الذهبي * أبو الزبير عنن، وللحديث شواهد منها الحديث السابق.

Comments:

If the calf is taken out alive, it would be necessary to slaughter it as well; otherwise being the part of the mother it would also be the part of the

slaughter and hence permissible.

Chapter 18/19. What Has Been Reported About Eating Meat While Not Knowing Whether The Name Of Allāh Was Mentioned Upon It Or Not

2829. It was reported from Hishām bin ‘Urwah, from his father, from ‘Āishah, who said — and Hammād and Mālik (two of the narrators) did not mention: “from ‘Āishah” — that they (the people) said: “O Messenger of Allāh! There are people here who are recent converts from *Jāhiliyyah*, and they bring us meat. We do not know whether the Name of Allāh has been mentioned upon it or not, can we eat from it?” The Messenger of Allāh ﷺ said: “Mention Allāh’s Name and eat it.” (*Ṣaḥīḥ*)

تخریج: [صحیح] أخرجه البيهقي: ٢٣٩/٩ من حديث أبي داود به ورواه البخاري، ح: ٢٠٥٧، ٥٥٠٧، ٧٣٩٨ من حديث هشام بن عروة به، وهو في الموطأ (يحيى): ٤٨٨/٢ مرسل.

Comments:

It is unlawful to deliberately omit pronouncing Allāh’s Name at the time of slaughter. To omit it through forgetfulness is, however, pardonable, and there should be no doubt about the legality and permissibility of such slaughter.

Chapter 19/20 Regarding *Al-‘Ātirah*

2830. It was reported from Nubaishah who said: “A man called out to the Messenger of Allāh ﷺ: ‘We used to sacrifice the *‘Ātirah* during *Jāhiliyyah* in the month of Rajab, so what do you order us about it?’ He said: ‘Sacrifice for the sake of Allāh in

(المعجم ١٨، ١٩) - بَابُ مَا جَاءَ فِي أَكْلِ اللَّحْمِ لَا يُدْرَى أَذْكَرَ اسْمُ اللَّهِ عَلَيْهِ أَمْ لَا (التحفة ١٩)

٢٨٢٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا حَمَّادٌ؛ ح: وَحَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ؛ ح: وَحَدَّثَنَا يُونُسُ بْنُ مُوسَى قَالَ: حَدَّثَنَا سُلَيْمَانُ بْنُ حَبَّانَ وَمُحَاضِرُ الْمَعْنَى عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ - وَلَمْ يَذْكُرَا عَنْ حَمَّادٍ وَمَالِكٍ: عَنْ عَائِشَةَ - أَنَّهُمْ قَالُوا: يَا رَسُولَ اللَّهِ! إِنْ قَوْمًا حَدِيثُوا عَهْدَ بِجَاهِلِيَّةٍ يَأْتُونَ بِلُحْمَانِ، لَا نَدْرِي أَذْكَرُوا اسْمَ اللَّهِ عَلَيْهَا أَمْ لَمْ يَذْكُرُوا، أَتَأْكُلُ مِنْهَا؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «سَمُّوا اللَّهَ وَكُلُوا».

(المعجم ١٩، ٢٠) بَابُ: فِي الْعَتِيرَةِ (التحفة ٢٠)

٢٨٣٠ - حَدَّثَنَا مُسَدَّدٌ؛ ح: وَحَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ عَنْ بَشْرِ بْنِ الْمُفَضَّلِ، الْمَعْنَى قَالَ: حَدَّثَنَا خَالِدُ الْحَدَّاءُ عَنْ أَبِي قِلَابَةَ، عَنْ أَبِي الْمَلِيحِ قَالَ: قَالَ نُبَيْشَةُ: نَادَى رَجُلٌ رَسُولَ اللَّهِ ﷺ: إِنَّا كُنَّا نَعْتَرُ عَتِيرَةً فِي الْجَاهِلِيَّةِ فِي

any month you wish, be obedient to Allāh and feed (the people).’ He (the man) said: ‘We used to sacrifice the *Fara’* during *Jāhiliyyah*, so what do you order us about it?’ He said: ‘For every *Sā’imah* (flock of grazing animals), feed the firstborn as you feed the rest of your flock until it reaches an age where it could be used to carry loads.’ — Naṣr (one of the narrators) said: “carry loads for those performing *Hajj*” — “Then sacrifice it, and give its meat in charity.’

Khālīd (one of the narrators) said: “I think he said: ‘(You may give it) to a wayfarer, as that is better.’” **Khālīd** said: “I said to Abū Qilābah: ‘How many is *Sā’imah*?’ He said: ‘One hundred.’” (*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] أخرجه النسائي، الفرع والعتيرة، باب تفسير العتيرة، ح: ٤٢٣٤ من حديث بشر بن المفضل به ورواه ابن ماجه، ح: ٣١٦٧.

2831. It was reported from Az-Zuhri, from Sa’eed, from Abū Hurairah that the Prophet ﷺ said: “There is no *Fara’* and no *Atīrah*.” (*Ṣaḥīḥ*)

٢٨٣١ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ قَالَ: أَخْبَرَنَا سُفْيَانُ بْنُ الزُّهْرِيِّ، عَنْ سَعِيدٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا فَرَعٌ وَلَا عَتِيرَةٌ».

تخريج: أخرجه البخاري، العتيقة، باب العتيرة، ح: ٥٤٧٤ ومسلم، الأضاحي، باب الفرع والعتيرة، ح: ١٩٧٦ من حديث سفيان بن عيينة به.

2832. It was reported from Az-Zuhri from Sa’eed, who said: “*Al-Fara’* was the firstborn (to the animal), which after being born they would sacrifice it.” (*Da’if*)

٢٨٣٢ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ سَعِيدٍ قَالَ: الْفَرَعُ أَوَّلُ التَّلَاجِ، كَانَ يُتَّجُّ لَهُمْ فَيَذْبَحُونَهُ.

تخريج: [إسناده ضعيف] وهو في مصنف عبد الرزاق، ح: ٧٩٩٨ * سنده ضعيف من أجل

رَجَبٍ، فَمَا تَأْمُرُنَا؟ قَالَ: «اذْبَحُوا لِلَّهِ فِي أَيِّ شَهْرٍ كَانَ وَبَرُّوا اللَّهَ وَأَطِعُوا»، قَالَ: إِنَّا كُنَّا نَفْرَعُ فَرَعًا فِي الْجَاهِلِيَّةِ فَمَا تَأْمُرُنَا؟ قَالَ: «فِي كُلِّ سَائِمَةٍ فَرَعٌ تَغْذُوهُ مَا شِئْتُمْ حَتَّى إِذَا اسْتَحْمَلَ»، قَالَ نَصْرٌ: «اسْتَحْمَلَ لِلْحَجِيجِ، ذَبَحْتَهُ فَتَصَدَّقْتُ بِلَحْمِهِ»، قَالَ خَالِدٌ: أَحْبَبُهُ قَالَ: «عَلَى ابْنِ السَّبِيلِ فَإِنَّ ذَلِكَ خَيْرٌ»، قَالَ خَالِدٌ: قُلْتُ لِأَبِي قَلَابَةَ: كَمْ السَّائِمَةُ، قَالَ: مِائَةٌ.

عننة الزهري ومعناه صحيح بالاتفاق.

2833. It was reported from 'Aishah, who said: "The Messenger of Allāh ﷺ ordered us to sacrifice a sheep for every fifty sheep." (*Hasan*)

Abū Dāwud said: Some of them said that *Fara'* is the firstborn to the camel, which they used to sacrifice for their false deities, and then eat it, and its skin was thrown on a tree; and the *'Atīrah* was (sacrificed) during the first ten days of Rajab.

٢٨٣٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ عَبْدِ اللَّهِ بْنِ عُثْمَانَ بْنِ خُثَيْمٍ، عَنْ يُونُسَ بْنِ مَاهَكَ، عَنْ حَفْصَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ قَالَتْ: أَمَرَنَا رَسُولُ اللَّهِ ﷺ مِنْ كُلِّ خَمْسِينَ شَاةً شَاةً. قَالَ أَبُو دَاوُدَ: قَالَ بَعْضُهُمْ: الْفَرْعُ أَوَّلُ مَا تُنْتِجُ الْإِبِلُ، كَانُوا يَذْبَحُونَهُ لِطَوَاعِيَّتِهِمْ، ثُمَّ يَأْكُلُهُ وَيُلْقِي جِلْدَهُ عَلَى الشَّجَرِ. وَالْعَبِيرَةُ فِي الْعَشْرِ الْأَوَّلِ مِنْ رَجَبٍ.

تخریج: [إسناده حسن] أخرجه ابن ماجه، الذبائح، باب العقيقة، ح: ٣١٦٣ من حديث حماد بن سلمة به، ورواه الترمذي، ح: ١٥١٣.

Comments:

The popular view is that the *Fara'* and *'Atīrah* were allowed, then later prohibited. It is reported from Imām Ash-Shāfi'ī, and some of the *Salaf* before him, that they considered it recommended or did it, and Shaikh Al-Albānī endorses its allowance in *Irwā' Al-Ghālil* (no. 1181) as did Imām Ash-Shawkānī in *Nail Al-Awīār*. Shaikh Al-Albānī said: "These *Aḥādīth* imply the allowance of *Al-Fara'*, and it is to slaughter the firstborn (animal) for the sake of Allāh; and (they imply) the allowance of the slaughter in Rajab and other than it, without distinguishing and specifying Rajab over other months. There is no contradiction between that and the preceding *Hadīth*: 'There is no *Fara'* and no *'Atīrah*' because in that, he ﷺ only invalidated the *Fara'* which the people of *Jāhiliyyah* performed for their idols, and the *'Atīrah* which is the animal that they slaughtered specifically for Rajab. And Allāh knows best."

Chapter 20,21. The 'Aqīqah

(المعجم ٢٠، ٢١) بَابُ: فِي الْعَقِيقَةِ
(التحفة ٢١)

2834. It was reported from Habībah bint Maisarah, from Umm Kurz Al-Ka'biyyah who said: "I heard the Messenger of Allāh ﷺ saying: 'For a boy; two sheep that are *Mukāfi'atān*, and for a girl one sheep.'" (*Ṣaḥīḥ*)

٢٨٣٤ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا سُوْفْيَانٌ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ عَطَاءٍ، عَنْ حَبِيبَةَ بِنْتِ مَيْسَرَةَ، عَنْ أُمِّ كُرْزٍ الْكُعْبِيَّةِ قَالَتْ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «عَنِ الْغُلَامِ شَاتَانِ مُكَافِئَتَانِ وَعَنِ الْجَارِيَةِ شَاةٌ».

Abū Dāwud said: I heard Aḥmad saying: “*Mukāfi’atān* means: Both equal or close (in age).”

قَالَ أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ قَالَ: مُكَافِئَتَانِ مُسْتَوِيَتَانِ أَوْ مُتَقَارِبَتَانِ.

تخریج: [صحيح] أخرجه النسائي، العقيقة، باب العقيقة عن الجارية، ح: ٤٢٢١ من حديث سفيان بن عيينة به، وصححه ابن حبان، ح: ١٠٦٠.

Comments:

The animal slaughtered on behalf of a new baby is called *Aqīqah*. Lexically, the word means: to cleave, to split. The term is also applied to the hair of the newborn, and it is for this reason that this particular slaughter is also known as *Aqīqah*.

2835. It was reported from Sufyān, from ‘Ubaidullāh bin Abī Yazīd, from his father, from Sibā’ bin Thābit, from Umm Kurz, who said: “I heard the Prophet ﷺ saying: ‘Leave the bird in its perch.’”^[1] She said: “I also heard him say: ‘For a boy, two sheep, and for a girl, one sheep. And it will be of no harm to you whether they are male or female.’” (*Hasan*)

٢٨٣٥ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا سُوْفْيَانُ عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي يَزِيدَ، عَنْ أَبِيهِ، عَنْ سِبَاعِ بْنِ ثَابِتٍ، عَنْ أُمِّ كُرْزٍ قَالَتْ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «أَقْرُوا الطَّيْرَ عَلَى مِكَائِلِهَا» قَالَتْ: وَسَمِعْتُهُ يَقُولُ: «عَنِ الْغُلَامِ شَاتَانِ، وَعَنِ الْجَارِيَةِ شَاةٌ، لَا يَضُرُّكُمْ أَذْكَرَانَا كُنَّ أَمْ إِنَاثًا».

تخریج: [حسن] أخرجه النسائي، العقيقة، باب: كم يعق عن الجارية، ح: ٤٢٢٢ من حديث سفيان بن عيينة به، وصححه ابن حبان، ح: ١٠٥٩ والحاكم: ٢٣٧/٤ ووافقه الذهبي.

2836. It was reported from ‘Ubaidullāh bin Abī Yazīd, from Sibā’ bin Thābit, from Umm Kurz who said: “The Messenger of Allāh ﷺ said: ‘For a boy, two sheep that are similar, and for a girl, one sheep.’” (*Hasan*)

٢٨٣٦ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا حَمَّادُ ابْنُ زَيْدٍ عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي يَزِيدَ، عَنْ سِبَاعِ ابْنِ ثَابِتٍ، عَنْ أُمِّ كُرْزٍ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «عَنِ الْغُلَامِ شَاتَانِ مِثْلَانِ، وَعَنِ الْجَارِيَةِ شَاةٌ».

Abū Dāwud said: This is the *Hadīth*, and the narration of Sufyān (no. 2835) is a mistake.

قَالَ أَبُو دَاوُدَ: هَذَا هُوَ الْحَدِيثُ، وَحَدِيثُ سُوْفْيَانَ وَهَمٌّ.

[1] Al-Khaṭṭābī cites an explanation of Imām Ash-Shāfi’i; that if Arabs set out from their house on some matter, and they saw a bird flying, they would derive an omen from the direction of flight. If the bird was sitting on its perch, they would startle it so it would fly, so they could determine the omen. Al-Khaṭṭābī also added, that it has been said that the *Hadīth* shows that it is disliked to hunt birds during the night, meaning, that they should not be hunted while they are nesting.

تخريج: [حسن] انظر الحديث السابق وأخرجه البيهقي: ٣٠١/٩ من حديث أبي داود به.

Comments:

What Imām Abū Dāwud means to say is that the words “from his father” occurring after ‘Abdullāh, in the previous narration from Sufyān, are wrongly inserted in the chain of narrators.

2837. It was reported from Hammām who said: “Qatadah narrated to us, from Al-Ḥasan, from Samurah, from the Messenger of Allāh ﷺ, that he said: ‘Each boy is in mortgage by his *‘Aqīqah*, which is sacrificed on the seventh day, his head shaved and bloodied (*Yudamma*).’”

When Qatadah was asked about the blood, and what to do with it, he said: “When you slaughter the *‘Aqīqah* take some of its wool, and place it on its veins, then place it in the middle of the head of the infant so that the blood flows on the hair like a thread, and then his (the infants) head is washed and shaved.” (*Daʿf*)

Abū Dāwud said: This is a mistake from Hammām: “*Yudamma*.”

Abū Dāwud said: Hammām has been opposed (by other narrators) in narrating this word, and it is an error from Hammām. They only said: “*Yusamma*” (named) but Hammām said: “*Yudamma*” (bloodied).

Abū Dāwud said: And this is not adhered too.

٢٨٣٧ - حَدَّثَنَا حَفْصُ بْنُ غُمَرَ التَّمَرِيُّ قَالَ: حَدَّثَنَا هَمَّامٌ قَالَ: حَدَّثَنَا قَتَادَةُ عَنْ الْحَسَنِ، عَنْ سَمُرَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «كُلُّ غُلَامٍ رَهِيئَةٌ بِعَقِيقَتِهِ، تُذْبَحُ عَنْهُ يَوْمَ السَّابِعِ، وَيُحْلَقُ رَأْسُهُ وَيُدْمَى»، فَكَانَ قَتَادَةُ إِذَا سُئِلَ عَنِ الدَّمِّ كَيْفَ يُضْنَعُ بِهِ، قَالَ: إِذَا ذَبَحْتَ الْعَقِيقَةَ أَخَذْتَ مِنْهَا صُوفَةً وَاسْتَقْبَلْتَ بِهِ أَوْدَاجَهَا، ثُمَّ تَوَضَّعَ عَلَى يَافُوخِ الصَّبِيِّ حَتَّى يَسِيلَ عَلَى رَأْسِهِ مِثْلُ الْخَيْطِ، ثُمَّ يَغْسَلُ رَأْسَهُ بَعْدَ وَيُحْلَقُ.

قَالَ أَبُو دَاوُدَ: هَذَا وَهُمْ مِنْ هَمَّامٍ وَيُدْمَى.

قَالَ أَبُو دَاوُدَ: خُولِفَ هَمَّامٌ فِي هَذَا الْكَلَامِ، وَهُوَ وَهُمْ مِنْ هَمَّامٍ وَإِنَّمَا قَالُوا يُسَمَّى، فَقَالَ هَمَّامٌ: يُدْمَى.

قَالَ أَبُو دَاوُدَ: وَلَيْسَ يُؤْخَذُ بِهِذَا.

تخريج: [إسناده ضعيف] انظر الحديث الآتي، وأخرجه الترمذي، الأضحى، باب: من العقيقة، ح: ١٥٢٢ والنسائي، ح: ٤٢٢٥ من حديث قتادة به، وقال الترمذي: "حسن صحيح" * قوله: "يدمى" شاذ، ومعناه تذبح الشاة عنه * قتادة عنعن، والحديث الآتي يغني عنه. والله أعلم.

Comments:

The fact of the matter is that giving the name to the child on the seventh day of his birth is the *Sunnah*. To read it as *Yudamma* (bloodied) would be wrong, as is clear from the next *Hadith*.

2838. It was reported from Sa'eed, from Qatādah, from Al-Ḥasan, from Samurah bin Jundab that the Messenger of Allāh ﷺ said: "Each boy is mortgaged by his '*Aqīqah*', which is sacrificed on the seventh day, his head is shaved and he is named." (*Ṣaḥīḥ*)

Abū Dāwud said: And '*Yusamma*' (named) is more correct. This is how it was said by Sallām bin Abī Muṭī' from Qatādah, and Iyās Ibn Dagfal, and Ash'ath, from Al-Ḥasan, that he said: "And '*Yusamma*.'" And Ash'ath narrated it from Al-Ḥasan, from the Prophet ﷺ, that he said: "And '*Yusamma*.'"

تخریج: [صحيح] أخرجه ابن ماجه، الذبائح، باب العقیقه، ح: ۳۱۶۵ والنسائي، ح: ۴۲۲۵ من حدیث سعید بن أبی عروبۃ به، وصححه ابن الجارود، ح: ۹۱۰ والحاكم: ۲۳۷/۴ ووافقه الذهبي ورواه شعبۃ عن قتاده به عند ابن الجارود.

Comments:

Al-Khaṭṭābī said: "Aḥmad said: 'This is regarding intercession' meaning, if there was no '*Aqīqah*' for him and the child dies, he will not intercede for his parents." It has also been suggested that the expression 'mortgaged' has been used to emphasize the necessity and the obligatory nature of the '*Aqīqah*'.

2839. It was reported from Salmān bin 'Āmir Aḍ-Ḍabbī who said: "The Messenger of Allāh ﷺ said: 'Along with the boy there is '*Aqīqah*', so shed blood on his behalf, and remove any harm from him.'" (*Ṣaḥīḥ*)

۲۸۳۸ - حَدَّثَنَا ابْنُ الْمُثَنَّى قَالَ: حَدَّثَنَا ابْنُ أَبِي عَدِيٍّ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ الْحَسَنِ، عَنْ سُمْرَةَ بْنِ جُنْدَبٍ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كُلُّ غُلَامٍ رَهِينَةٌ بِعَقِيقَتِهِ، تُذْبَحُ عَنْهُ يَوْمَ سَابِعِهِ وَيُحْلَقُ وَيُسَمَّى».

قَالَ أَبُو دَاوُدَ: وَيُسَمَّى أَصَحُّ. كَذَا قَالَ سَلَامُ بْنُ أَبِي مُطِيعٍ عَنْ قَتَادَةَ. وَإِيَّاسُ بْنُ دَعْفَلٍ وَأَشْعَثُ عَنْ الْحَسَنِ قَالَ: وَيُسَمَّى، وَرَوَاهُ أَشْعَثُ عَنْ الْحَسَنِ عَنِ النَّبِيِّ ﷺ قَالَ: وَيُسَمَّى.

۲۸۳۹ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: حَدَّثَنَا هِشَامُ بْنُ حَسَّانَ عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنِ الرَّبَابِ، عَنْ سَلْمَانَ بْنِ عَامِرٍ الضَّبِّيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَعَ الْغُلَامِ عَقِيقَةٌ فَأَهْرِيقُوا عَنْهُ دَمًا وَأَمِيطُوا عَنْهُ الْأَذَى».

تخریج: أخرجه البخاري، العقيقة، باب إمطة الأذى عن الصبي في العقيقة، ح: ٥٤٧١ و ٥٤٧٢ من حديث هشام بن حسان به، وهو في مصنف عبدالرزاق، ح: ٧٩٥٨.

2840. It was reported from Hishām, from Al-Ḥasan that he said: “Removing harm is shaving the head.” (*Daʿīf*)

٢٨٤٠ - حَدَّثَنَا يَحْيَى بْنُ خَلْفٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى قَالَ: حَدَّثَنَا هِشَامٌ عَنْ الْحَسَنِ أَنَّهُ كَانَ يَقُولُ: إمطة الأذى حلق الرأس.

تخریج: [إسناده ضعيف] أخرجه البيهقي: ٢٩٨/٩ من حديث أبي داود به * هشام بن حسان: مدلس وعنعن.

2841. It was reported from Ibn ‘Abbās that he said: “The Messenger of Allāh ﷺ sacrificed a ram each for Al-Ḥasan and Al-Ḥusain, may Allāh be pleased with them.” (*Ṣaḥīḥ*)

٢٨٤١ - حَدَّثَنَا أَبُو مَعْمَرٍ عَبْدُ اللَّهِ بْنُ عَمْرٍو قَالَ: حَدَّثَنَا عَبْدُ الْوَارِثِ قَالَ: حَدَّثَنَا أَيُّوبُ عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ عَقَّ عَنْ الْحَسَنِ وَالْحُسَيْنِ رَضِيَ اللَّهُ عَنْهُمَا كَبْشًا كَبْشًا.

تخریج: [إسناده صحيح] وصححه ابن الجارود، ح: ٩١٢ من حديث أبي معمر به، ورواه حجاج بن حجاج عن قتادة عن عكرمة به "بكشين كبشين" رواه النسائي، ح: ٤٢٢٤.

Comments:

In terms of the chain of narration this *Ḥadīth* is sound. An-Nasāʾī (no. 4224), however, narrates it with the wording “two rams” (instead of one) and *Shāikh* Al-Albānī, as well as others, considers it more correct.

2842. It was reported from Dāwud bin Qais, from ‘Amr bin Shu’aib that the Prophet ﷺ said — (another chain) from Dāwud from ‘Amr bin Shu’aib from his father — I think it is from his grandfather — who said: “The Prophet ﷺ was asked about the ‘*Aqīqah*’? He replied: ‘Allāh does not like *Al-Uqūq*’ — as if he did not like the name. And he said: ‘If a child is born to anyone of you, and he likes to sacrifice for him, then let him sacrifice two sheep that are *Mukāfi’atān* (comparable) for a

٢٨٤٢ - حَدَّثَنَا الْقَعْنَبِيُّ قَالَ: حَدَّثَنَا دَاوُدُ ابْنُ قَيْسٍ عَنْ عَمْرٍو بْنِ شُعَيْبٍ أَنَّ النَّبِيَّ ﷺ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ سُلَيْمَانَ الْأَنْبَارِيُّ: حَدَّثَنَا عَبْدُ الْمَلِكِ يَغْنِي ابْنَ عَمْرٍو، عَنْ دَاوُدَ، عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ: أَرَاهُ عَنْ جَدِّهِ قَالَ: سِئِلَ النَّبِيُّ ﷺ عَنِ الْعَقِيقَةِ؟ فَقَالَ: «لَا يُحِبُّ اللَّهُ الْعُقُوقَ» كَأَنَّهُ كَرِهَ الْأِسْمَ وَقَالَ: «مَنْ وُلِدَ لَهُ وَلَدٌ فَأَحَبَّ أَنْ يَنْسِكَ عَنْهُ فَلْيَنْسِكْ عَنِ الْغُلَامِ شَاتَانِ

boy, and one sheep for a girl.' And he was asked about *Al-Fara*? He replied: '*Al-Fara*' is *Haqq*,^[1] if you leave it to grow until it becomes a healthy strong *Ibn Makhād* or *Ibn Labūn*, then you give it to a widow, or to be ridden in the cause of Allāh, this is better than you slaughtering it at the age when the meat is stuck to its fur, and you turn over your milking vessel and irritate your she-camel." (*Hasan*)

مُكَافِئَتَانِ وَعَنِ الْجَارِيَةِ شَاةٌ. وَسُئِلَ عَنِ الْفَرَعِ؟ قَالَ: «وَالْفَرَعُ حَقٌّ، وَأَنْ تَتْرُكُوهُ حَتَّى يَكُونَ بَكْرًا شَعْرُتًا ابْنِ مَخَاضٍ أَوْ ابْنِ لَبُونٍ فَتُعْطِيَهُ أَرْمَلَةً أَوْ تَحْمِلَ عَلَيْهِ فِي سَبِيلِ اللَّهِ خَيْرٌ مِنْ أَنْ تَذْبَحَهُ فَيَلْزَقَ لَحْمُهُ بِوَبَرِهِ، وَتُوَلِّهُ إِنَاءَكَ، وَتُوَلِّهُ نَاقَتَكَ».

تخريج: [إسناده حسن] أخرجه النسائي، العقيقة، باب: عن الغلام شاتان ... إلخ، ح: ٤٢١٧ من حديث داود بن قيس به.

Comments:

As for the ruling concerning the *Fara*, see the comments after no. 2833.

2843. It was reported from 'Abdullāh bin Buraidah who said: "I heard my father, Buraidah, saying: 'During *Jāhiliyyah*, if a boy was born to one of us, we sacrificed a sheep and smeared his head with its blood. When Allāh brought Islam, we would sacrifice a sheep, and we would shave his head, and smear saffron on it.'" (*Hasan*)

٢٨٤٣ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ ثَابِتٍ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ الْحُسَيْنِ قَالَ: حَدَّثَنَا أَبِي قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ قَالَ: سَمِعْتُ أَبِي بُرَيْدَةَ يَقُولُ: كُنَّا فِي الْجَاهِلِيَّةِ إِذَا وُلِدَ لِأَحَدِنَا غُلَامٌ ذَبَحَ شَاةً وَلَطَخَ رَأْسَهُ بِدَمِهَا، فَلَمَّا جَاءَ اللَّهُ بِالْإِسْلَامِ كُنَّا نَذْبَحُ شَاةً، وَنَحْلِقُ رَأْسَهُ، وَنَلَطُخُهُ بِرَعْفَرَانٍ.

تخريج: [إسناده حسن] أخرجه البيهقي: ٣٠٢/٩، ٣٠٣ من حديث أبي داود به.

The End of the Book of Sacrifices

[1] They say it means, it is not falsehood.

(...) The Book Of Hunting

(المعجم ...) أَوَّلُ كِتَابِ الصَّيْدِ

(التحفة ١١)

Chapter 21,22. Using A Dog For Hunting And Other Than That

2844. It was reported from Abū Hurairah, from the Prophet ﷺ, who said: "Anyone who acquires a dog except for a dog for (herding) cattle, or hunting or farming (as a guard dog), his reward will be diminished every day by one *Qirāt*." (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، المساقاة، باب الأمر بقتل الكلاب وبيان نسخه ... إلخ، ح: ١٥٧٥ من حديث عبدالرزاق به وهو في المصنف له، ح: ١٩٦١٢ ورواه الترمذي، ح: ١٤٩٠ عن الحسن ابن علي به.

Comments:

Keeping a dog for purposes other than those mentioned in the *Hadīth* is a sin, and a losing bargain, since the equivalent of one *Qirāt* is deducted from his reward every day, and only Allāh knows the exact weight of the reward of the person concerned. See no. 3168, and the glossary.

2845. It was reported from 'Abdullāh bin Mughaffal who said: "The Messenger of Allāh ﷺ said: 'If it was not that dogs were one of the *Ummah*, I would have ordered them to be killed. But kill the pure black ones among them.'" (*Ḥasan*)

تخريج: [حسن] أخرجه النسائي، الصيد، باب صفة الكلاب التي أمر بقتلها، ح: ٤٢٨٥ من حديث يزيد بن زريع به ورواه الترمذي، ح: ١٤٨٦، ١٤٨٩ وابن ماجه، ح: ٣٢٠٥.

2846. It was reported from Abū Az-Zubair, from Jābir who said: "The Prophet of Allāh ﷺ ordered

(المعجم ٢١، ٢٢) - بَابُ اتِّخَاذِ الْكَلْبِ لِلصَّيْدِ وَغَيْرِهِ (التحفة ١)

٢٨٤٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ قَالَ: أَخْبَرَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ اتَّخَذَ كَلْبًا إِلَّا كَلْبَ مَاشِيَةٍ أَوْ صَيْدٍ أَوْ زَرْعٍ انْتَقَصَ مِنْ أَجْرِهِ كُلُّ يَوْمٍ قِيرَاطٌ».

٢٨٤٥ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا يَزِيدُ قَالَ: حَدَّثَنَا يُونُسُ عَنْ الْحَسَنِ، عَنْ عَبْدِ اللَّهِ ابْنِ مُغَفَّلٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَوْلَا أَنَّ الْكِلَابَ أُمَّةٌ مِنَ الْأُمَمِ لَأَمَرْتُ بِقَتْلِهَا فَأَقْتُلُوا مِنْهَا الْأَسْوَدَ الْبَهِيمَ».

٢٨٤٦ - حَدَّثَنَا يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا أَبُو عَاصِمٍ عَنْ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي أَبُو

us to kill dogs, even if a woman would bring a dog from the desert we would kill it. Then later on he prohibited us from killing them, and said: 'Stick to the black ones.' (Ṣaḥīḥ)

تخریج: أخرجه مسلم، المساقاة، باب الأمر بقتل الكلاب وبيان نسخه... إلخ، ح: ١٥٧٢ من حديث ابن جريج به.

Chapter 22,23. Regarding Hunting

2847. It was reported from Hammām, from 'Adī bin Ḥātim who said: "I asked the Prophet ﷺ; and said: 'I set off trained dogs and they catch (game) for me, can I eat it?' He replied: 'If you set off trained dogs and mention the Name of Allāh, then eat what they catch for you.' I said: 'Even if they killed (the game)?' He replied: 'Even if they killed (the game), as long as they were not joined by some other dog that was not among them.' I said: 'I shoot with the *Mi'rād*, and it strikes the target, can I eat it?' He replied: 'If you shoot with a *Mi'rād* and mention the Name of Allāh, and it strikes the target and pierces it, eat it, and if it strikes it with its blunt side then do not eat it.'" (Ṣaḥīḥ)

تخریج: أخرجه مسلم، الصيد والذباح... إلخ، باب الصيد بالكلاب المعلمة والرمي، ح: ١٩٢٩ من حديث جرير بن عبد الحميد، البخاري، الذباح والصيد، باب ما أصاب المعراض بعرضه، ح: ٥٤٧٧ من حديث منصور به.

2848. It was reported from Bayān, from 'Āmir, from 'Adī bin Ḥātim who said: "I asked the Messenger

الرَّبِيعِ عَنْ جَابِرٍ قَالَ: أَمَرَ نَبِيُّ اللَّهِ ﷺ بِقَتْلِ الْكِلَابِ حَتَّىٰ إِنْ كَانَتِ الْمَرْأَةُ تَقْدُمُ مِنَ الْبَادِيَةِ يَغْنِي بِالْكَلْبِ فَتَقْتُلُهُ، ثُمَّ نَهَانَا عَنْ قَتْلِهَا وَقَالَ: «عَلَيْكُمْ بِالْأَسْوَدِ».

(المعجم ٢٢، ٢٣) بَابُ: فِي الصَّيْدِ

(التحفة ٢)

٢٨٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ هَمَّامٍ، عَنْ عَلِيٍّ بْنِ حَاتِمٍ قَالَ: سَأَلْتُ النَّبِيَّ ﷺ قُلْتُ: إِنِّي أُرْسِلُ الْكِلَابَ الْمُعَلَّمَةَ فَتَمْسِكُ عَلَيَّ أَفَأَكُلُ؟ قَالَ: «إِذَا أُرْسَلَتْ الْكِلَابُ الْمُعَلَّمَةُ وَذَكَرْتَ اسْمَ اللَّهِ فَكُلْ مِمَّا أُمْسَكَ عَلَىكَ». قُلْتُ: وَإِنْ قَتَلَن؟ قَالَ: «وَأِنْ قَتَلَن، مَا لَمْ يَشْرُكْهَا كَلْبٌ لَيْسَ مِنْهَا». قُلْتُ: أَرْمِي بِالْمِعْرَاضِ فَأَصِيبُ أَفَأَكُلُ؟ قَالَ: «إِذَا رَمَيْتَ بِالْمِعْرَاضِ وَذَكَرْتَ اسْمَ اللَّهِ فَأَصَابَ فَخَزَقَ فَكُلْ وَإِنْ أَصَابَ بِعَرْضِهِ فَلَا تَأْكُلْ».

٢٨٤٨ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ قَالَ:

أَخْبَرَنَا ابْنُ فَضِيلٍ عَنْ بَيَّانٍ، عَنْ عَامِرٍ، عَنْ

of Allāh ﷻ; I said: 'We hunt with these dogs.' He replied: 'If you set off your trained dogs and mention the Name of Allāh on it, then eat what they catch for you, even if it kills it, except if the dog eats from it. If the dog eats from it, then do not eat, for I am afraid it has captured it for itself.'" (*Ṣaḥīḥ*)

عَدِيَّ بْنِ حَاتِمٍ قَالَ: سَأَلْتُ رَسُولَ اللَّهِ ﷺ، قُلْتُ: إِنَّا نَصِيدُ بِهَذِهِ الْكِلَابِ فَقَالَ لِي: «إِذَا أَرْسَلْتَ كِلَابَكَ الْمُعْلَمَةَ وَذَكَرْتَ اسْمَ اللَّهِ عَلَيْهِ فَكُلْ مِمَّا أُمْسَكَنَ عَلَيْكَ وَإِنْ قَتَلَ إِلَّا أَنْ يَأْكُلَ الْكَلْبُ فَإِنْ أَكَلَ الْكَلْبُ فَلَا تَأْكُلْ فَإِنِّي أَخَافُ أَنْ يَكُونَ إِنَّمَا أُمْسَكَهُ عَلَى نَفْسِهِ».

تخريج: أخرجه مسلم، ح: ٢/١٩٢٩ من حديث محمد بن فضيل بن غزوان، انظر الحديث السابق، والبخاري، الذبائح والصيد، باب الصيد إذا غاب عنه يومين أو ثلاثة، ح: ٥٤٨٤ من حديث عامر الشعبي به.

Comments:

Hunting with the dog is permissible in Islam provided that:

1. The dog is trained and fully obeys the commands of its master.
2. The Name of Allāh has been mentioned when dispatching it for the prey.

2849. It was reported from Ḥammād, from 'Āṣim Al-Aḥwal, from Ash-Sh'abī, from 'Adī bin Ḥātim that the Prophet ﷺ said: "When you shoot your arrow and mention the Name of Allāh, and you find it (the game) the next day, and you did not find it (having fallen) in the water, and there is no other mark aside from the mark of your arrow, then eat it. But if some other dog joins your dogs then do not eat, for you do not know, perhaps it was killed by one that was not yours." (*Ṣaḥīḥ*)

٢٨٤٩ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ عَاصِمِ الْأَحْوَلِ، عَنِ الشَّعْبِيِّ، عَنْ عَدِيٍّ بْنِ حَاتِمٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «إِذَا رَمَيْتَ سَهْمَكَ وَذَكَرْتَ اسْمَ اللَّهِ فَوَجَدْتَهُ مِنَ الْغَدِ وَلَمْ تَجِدْهُ فِي مَاءٍ وَلَا فِيهِ أَثَرٌ غَيْرِ سَهْمِكَ فَكُلْ وَإِذَا اخْتَلَطَ بِكِلَابِكَ كَلْبٌ مِنْ غَيْرِهَا فَلَا تَأْكُلْ لَا تَدْرِي لَعَلَّهُ قَتَلَهُ الَّذِي لَيْسَ مِنْهَا».

تخريج: أخرجه البخاري، ح: ٥٤٨٤ ومسلم، ح: ٧/١٩٢٩ من حديث عاصم الأحول به، وانظر الحديثين السابقين.

Comments:

It is not allowed to eat of any game if one is unsure of such matters.

2850. It was reported from Yahyā bin Zakariyyā bin Abī Zā'idah, he said: "Āṣim Al-Aḥwal informed

٢٨٥٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ قَالَ: حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ قَالَ:

me, from Ash-Sha'bī, from 'Adī bin Hātim that the Prophet ﷺ said: 'If your target (animal) falls in the water, drowns and dies, then do not eat it.'" (*Sahih*)

حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَّا بْنُ أَبِي زَائِدَةَ قَالَ: أَخْبَرَنِي عَاصِمُ الْأَحْوَلُ عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «إِذَا وَقَعَتْ رَمِيَّتُكَ فِي مَاءٍ فَعَرِقَتْ فَمَاتَتْ فَلَا تَأْكُلُ».

تخريج: [صحيح] من حديث عاصم به، انظر الحديث السابق، وهو في مسند أحمد: ٤/ ٣٧٨.

2851. It was reported from Mujālid, from Ash-Sha'bī, from 'Adī bin Hātim that the Prophet ﷺ said: "If you have trained a dog or a falcon and then you set it off, and mention the Name of Allāh; eat whatever it catches for you." I said: "Even if it kills it?" He said: "(Even) if it kills it, and has not eaten anything from it, then it has caught it for you." (*Da'if*)

Abū Dāwud said: If a falcon eats from it, then there is no harm in eating it, but if the dog eats from it then it is disliked, and if it drinks the blood, then there is no harm.

٢٨٥١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ قَالَ: حَدَّثَنَا مُجَالِدٌ عَنِ الشَّعْبِيِّ، عَنْ عَدِيِّ بْنِ حَاتِمٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَا عَلِمْتُ مِنْ كَلْبٍ أَوْ بَارٍ ثُمَّ أَرْسَلْتُهُ وَذَكَرْتَ اسْمَ اللَّهِ فَكُلْ مِمَّا أَمْسَكَ عَلَيْكَ». قُلْتُ: وَإِنْ قَتَلَ؟ قَالَ: «إِذَا قَتَلَهُ وَلَمْ يَأْكُلْ مِنْهُ شَيْئًا فَإِنَّمَا أَمْسَكَهُ عَلَيْكَ». قَالَ أَبُو دَاوُدَ: الْبَارُ إِذَا أَكَلَ فَلَا بَأْسَ بِهِ وَالْكَلْبُ إِذَا أَكَلَ كُرْهٌ وَإِنْ شَرِبَ الدَّمَ فَلَا بَأْسَ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصيد، باب ما جاء في صيد البزاة، ح: ١٤٦٧ من حديث مجالد به، وقال: "لا نعرفه إلا من حديث مجالد" ومجالد ضعيف من أجل سوء حفظه ولحديثه شواهد موقوفة عند البيهقي: ٩/ ٢٣٥، ٢٣٨.

2852. It was reported from Bishr bin 'Ubaidullāh, from Abū Idrīs Al-Khawlanī, from Abū Tha'labah Al-Khushanī who said: "The Prophet ﷺ said, about the game hunted by a dog: 'If you set off your dog and mention the Name of Allāh, the Exalted, then eat it, even if it eats from it, and eat whatever is returned to you by your hands.'" (*Hasan*)

٢٨٥٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى قَالَ: حَدَّثَنَا هُشَيْمٌ قَالَ: أَخْبَرَنَا دَاوُدُ بْنُ عَمْرٍو عَنْ بُشَيْرِ بْنِ عُبَيْدِ اللَّهِ، عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ، عَنْ أَبِي ثَعْلَبَةَ الْخُشَنِيِّ قَالَ: قَالَ النَّبِيُّ ﷺ فِي صَيْدِ الْكَلْبِ: «إِذَا أَرْسَلْتَ كَلْبَكَ وَذَكَرْتَ اسْمَ اللَّهِ تَعَالَى فَكُلْ، وَإِنْ أَكَلَ مِنْهُ، وَكُلْ مَا رَدَّتْ عَلَيْكَ يَدُكَ».

تخريج: [حسن] أخرجه البيهقي: ٢٣٧/٩ من حديث أبي داود به، وللحديث شاهد حسن يأتي: ٢٨٥٧ * داود بن عمرو: حسن الحديث وانظر، ح: ٢٨٥٥.

2853. It was reported from Dāwud, from ‘Āmir, from ‘Adī bin Ḥātim that he said: “O Messenger of Allāh! One of us shoots game, and then he tracks it for two or three days and finds it dead, and his arrow is in it; can he eat it?” He said: “Yes, if he wants to,” or he said: “He can eat it, if he wants to.” (*Ṣaḥīḥ*)

٢٨٥٣ - حَدَّثَنَا الْحُسَيْنُ بْنُ مُعَاذِ بْنِ خُلَيْفٍ قَالَ: حَدَّثَنَا عَبْدُ الْأَعْلَى قَالَ: حَدَّثَنَا دَاوُدُ عَنْ عَامِرٍ، عَنْ عَدِيِّ بْنِ حَاتِمٍ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ! أَحَدُنَا يَرْمِي الصَّيْدَ فَيَقْتَنِي أَمْرَهُ الْيَوْمَيْنِ وَالثَّلَاثَةَ ثُمَّ يَجِدُهُ مَيِّتًا وَفِيهِ سَهْمُهُ أَيَأْكُلُ؟ قَالَ: «نَعَمْ إِنْ شَاءَ» أَوْ قَالَ: «يَأْكُلُ إِنْ شَاءَ».

تخريج: [صحيح] وعلقه البخاري، الذبائح والصيد، باب الصيد إذا غاب عنه يومين أو ثلاثة، ح: ٥٤٨٥ عن عبد الأعلى به، وانظر الحديث الآتي.

Comments:

If there are reasons to believe that the animal was killed by the hunter's own arrow, eating it is lawful provided that the meat has not gone bad.

2854. It was reported from ‘Abdullāh bin Abī As-Safar, from Ash-Sha‘bī, who said: “‘Adī bin Ḥātim said: ‘I asked the Prophet ﷺ about the *Mi’rād*. He replied: “If it strikes with the sharp end then eat it, and if it strikes with the blunt side then do not eat it, for it died from a blow.” I said: “What about when I set off my dog?” He replied: “If you mention the Name of Allāh, then eat, otherwise do not eat. And if it eats from it, then do not eat, for it has caught it for itself.” I said: “I set off my dog and find another dog with it.” He (ﷺ) replied: “Do not eat, for you have mentioned Allāh’s Name for your dog only.” (*Ṣaḥīḥ*)

٢٨٥٤ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنَا شُعْبَةُ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي السَّفَرِ، عَنِ الشَّعْبِيِّ قَالَ: قَالَ عَدِيُّ بْنُ حَاتِمٍ: سَأَلْتُ النَّبِيَّ ﷺ عَنِ الْمِعْرَاضِ، فَقَالَ: «إِذَا أَصَابَ بِحَدِّهِ فَكُلْ، وَإِذَا أَصَابَ بِعَرَضِهِ فَلَا تَأْكُلْ فَإِنَّهُ وَقِيدٌ»، فَقُلْتُ: أُرْسِلُ كَلْبِي قَالَ: «إِذَا سَمَيْتَ فَكُلْ، وَإِلَّا فَلَا تَأْكُلْ وَإِنْ أَكَلَ مِنْهُ فَلَا تَأْكُلْ فَإِنَّمَا أَمْسَكَ لِنَفْسِهِ»، فَقَالَ: أُرْسِلُ كَلْبِي فَاجِدْ عَلَيْهِ كَلْبًا آخَرَ، فَقَالَ: «لَا تَأْكُلْ لِأَنَّكَ إِنَّمَا سَمَيْتَ عَلَى كَلْبِكَ».

تخريج: أخرجه البخاري، الوضوء، باب الماء الذي يغسل به شعر الإنسان، ح: ١٧٥، ومسلم، الصيد والذبائح . . . إلخ، باب الصيد بالكلاب المعلمة والرمي ح: ٣/١٩٢٩ من حديث شعبة به.

2855. It was reported from Rabī'ah bin Yazīd Ad-Dimashqī that he said: "Abū Idrīs Al-Khawlanī 'Aidhullāh informed me, he said: 'Abū Tha'labah Al-Khushānī said: "I said: 'O Messenger of Allāh! I hunt with my trained dog and with my untrained dog?' He replied: 'What you hunt with your trained dog, mention Allāh's Name, and eat, and what you hunt with your untrained dog, if you manage to slaughter it, then eat it.'" (*Ṣaḥīḥ*)

٢٨٥٥ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ عَنْ ابْنِ الْمُبَارَكِ، عَنْ حَبِيبَةَ بْنِ شَرِيحٍ قَالَ: سَمِعْتُ رَبِيعَةَ بْنَ يَزِيدَ الدَّمَشَقِيَّ يَقُولُ: أَخْبَرَنِي أَبُو إِدْرِيسَ الْخَوْلَانِيُّ عَائِدُ اللَّهِ قَالَ: سَمِعْتُ أَبَا ثَعْلَبَةَ الْخُسَنِيَّ يَقُولُ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي أَصِيدُ بِكَلْبِي الْمُعَلَّمِ وَبِكَلْبِي الَّذِي لَيْسَ بِمُعَلَّمٍ؟ قَالَ: «مَا صِدَّتْ بِكَ كَلْبِكَ الْمُعَلَّمُ فَادْكُرْ اسْمَ اللَّهِ وَكُلْ، وَمَا اصْطَدَّتْ بِكَ كَلْبِكَ الَّذِي لَيْسَ بِمُعَلَّمٍ فَادْكُرْكَ ذَكَاتَهُ فَكُلْ».

تخریج: أخرجه مسلم، الصيد الذبائح، باب الصيد بالكلاب المعلمة والرمي، ح: ١٩٣٠ عن هناد بن السري، والبخاري، الذبائح والصيد، باب ما جاء في التصيد، ح: ٥٤٨٨ من حديث ابن المبارك به.

2856. It was reported from Yūnus bin Saif who said: "Abū Idrīs Al-Khawlanī said: 'Abū Tha'labah Al-Khushānī said: "The Messenger of Allāh ﷺ said to me: 'O Abū Tha'labah! Eat from what you retrieve by your bow and your dog.' Ibn Ḥarb (one of the narrators) added: "The trained (dog), and your hand, eat it whether it is slaughtered or not slaughtered." (*Ṣaḥīḥ*)

٢٨٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُصَفَّى قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُصَفَّى قَالَ: حَدَّثَنَا بَقِیَّةُ عَنِ الزُّبَيْدِيِّ قَالَ: حَدَّثَنَا يُونُسُ بْنُ سَيْفٍ قَالَ: حَدَّثَنَا أَبُو إِدْرِيسَ الْخَوْلَانِيُّ قَالَ: حَدَّثَنِي أَبُو ثَعْلَبَةَ الْخُسَنِيُّ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا أَبَا ثَعْلَبَةَ! كُلْ مَا رَدَّتْ عَلَيْكَ قَوْسُكَ وَكَلْبُكَ». زَادَ عَنِ ابْنِ حَرْبٍ: الْمُعَلَّمُ وَيَدُكَ، فَكُلْ ذَكِيًّا وَغَيْرَ ذَكِيٍّ.

تخریج: [صحیح] أخرجه أحمد: ١٩٤/٤ من حديث محمد بن حرب عن الزبيدي به * بقية صرح بالسماح المسلسل وانظر الحديث السابق.

2857. It was reported by 'Amr bin Shu'aib from his father, from his grandfather, that a Bedouin called Abū Tha'labah said: "O Messenger of Allāh! I have trained dogs, so give me a *Fatwā* regarding hunting

٢٨٥٧ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمِنْهَالِ الصَّرِيرُ قَالَ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ قَالَ: حَدَّثَنَا حَبِيبُ الْمُعَلَّمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ أَعْرَابِيًّا يَقَالُ لَهُ: أَبُو

with them.” The Prophet ﷺ replied: “If you have trained dogs then eat what they catch for you.” He said: “Slaughtered or not slaughtered?” He replied: “Yes.” He said: “What about if it eats from it?” He replied: “Even if it eats from it.” He said: “O Messenger of Allāh! Give me a *Fatwa* regarding my bow.” He replied: “Eat from what you retrieve with your bow.” He said: “Slaughtered and not slaughtered?” And he added: “And even if it goes out of my sight?” He replied: “Even if it goes out of your sight, provided it does not have stench, or you find a mark from other than your arrow in it.” He said: “Give me a *Fatwa* regarding the vessels of the Zoroastrians when we are forced to use them.” He replied: “Wash it and eat in it.” (*Hasan*)

نخريج: [إسناده حسن] أخرجه أحمد: ١٨٤/٢ من حديث حسين المعلم، والنسائي، الصيد، باب الرخصة في ثمن كلب الصيد، ح: ٤٣٠١ من حديث عمرو بن شعيب به.

Comments:

If one has no option but to use the vessels of the disbelievers, he must wash them before use.

Chapter 23,24. When A Piece Is Cut From the Game

2858. It was reported from Abū Wāqid who said: “The Prophet ﷺ said: ‘Whatever is cut off an animal while it is alive, then it is dead flesh (*Maitah*).’” (*Hasan*)

تُعْلَبَةُ قَالَ: يَا رَسُولَ اللَّهِ! إِنَّ لِي كِلَابًا مُكَلَّبَةً، فَأَفْتِنِي فِي صَبْدِهَا، فَقَالَ النَّبِيُّ ﷺ: «إِنْ كَانَ لَكَ كِلَابٌ مُكَلَّبَةٌ فَكُلْ مِمَّا أُمْسَكَ عَلَىكَ». قَالَ: ذَكِيًّا أَوْ غَيْرَ ذَكِيٍّ. قَالَ: «نَعَمْ». قَالَ: فَإِنْ أَكَلَّ مِنْهُ؟ قَالَ: «وَأِنْ أَكَلَّ مِنْهُ». قَالَ: يَا رَسُولَ اللَّهِ! أَفْتِنِي فِي قَوْسِي، قَالَ: «كُلْ مَا رَدَّتْ عَلَيْكَ قَوْسُكَ»، قَالَ: ذَكِيًّا وَغَيْرَ ذَكِيٍّ. قَالَ: «وَأِنْ تَغَيَّبَ عَنِّي؟ قَالَ: «وَأِنْ تَغَيَّبَ عَنْكَ، مَا لَمْ يَصِلْ أَوْ تَجِدْ فِيهِ أَثَرًا غَيْرَ سَهْمِكَ». قَالَ: أَفْتِنِي فِي آيَةِ الْمَجُوسِ إِذَا اضْطَرَرْنَا إِلَيْهَا قَالَ: «اغْسِلْهَا وَكُلْ فِيهَا».

(المعجم ٢٣، ٢٤) بَابُ: إِذَا قُطِعَ مِنَ الصَّيْدِ قِطْعَةٌ (التحفة ٣)

٢٨٥٨ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا هَاشِمُ بْنُ الْقَاسِمِ قَالَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ دِينَارٍ عَنْ زَيْدِ بْنِ أَسْلَمَ، عَنْ عَطَاءِ بْنِ يَسَارٍ، عَنْ أَبِي وَاقِدٍ قَالَ: قَالَ النَّبِيُّ ﷺ: «مَا قُطِعَ مِنَ الْبَهِيمَةِ وَهِيَ حَيَّةٌ فَهِيَ مَيْتَةٌ».

تخريج: [إسناده حسن] أخرجه الترمذي، الصيد، باب ما جاء ما قطع من الحي فهو ميت، ح: ١٤٨٠ من حديث عبدالرحمن بن عبدالله بن دينار به وقال: "حسن غريب" وصححه ابن الجارود، ح: ٨٧٦ والحاكم: ٢٣٩/٤ ووافقه الذهبي، وللحديث شاهد عند الحاكم.

Chapter 24,25. On Following Game

(المعجم ٢٤، ٢٥) بَابُ: فِي اتِّبَاعِ الصَّيْدِ (التحفة ٤)

2859. It was reported from Sufyān who said: "Abū Mūsā narrated to me from Wahb bin Munabbih, from Ibn 'Abbās, from the Prophet ﷺ — and one time Sufyān said: "And I do not know it to be except from the Prophet ﷺ" — he said: "He who resides in the desert will become ill-mannered, and he who follows game will become heedless, and he who visits the *Sulṭān* (ruler) will be tried." (*Hasan*)

٢٨٥٩ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا يَحْيَى عَنْ سُفْيَانَ قَالَ: حَدَّثَنِي أَبُو مُوسَى عَنْ وَهْبِ ابْنِ مُنَبِّهٍ، عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ - وَقَالَ مَرَّةً سُفْيَانٌ: وَلَا أَعْلَمُهُ إِلَّا عَنِ النَّبِيِّ ﷺ - قَالَ: «مَنْ سَكَنَ الْبَادِيَةَ جَفَا وَمَنْ اتَّبَعَ الصَّيْدَ غَفَلَ وَمَنْ أَتَى السُّلْطَانَ افْتِنَ».

تخريج: [إسناده حسن] أخرجه الترمذي، الفتن، باب من أتى أبواب السلطان افتتن، ح: ٢٢٥٦ وقال الترمذي: "حسن صحيح غريب".

2860. It was reported from 'Adī bin Thābit, from a *Shaikh* from the *Anṣār*, from Abū Hurairah, from the Prophet ﷺ — with the meaning of what was narrated by Musad-dad (a narrator in no. 2859) — He said: "He who clings to the *Sulṭān* (ruler) will be tried." — he added: "A worshipper does not get nearer to the *Sulṭān* (ruler) except that he increases in distance from Allāh." (*Da'if*)

٢٨٦٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيْسَى: حَدَّثَنَا الْحَسَنُ بْنُ الْحَكَمِ النَّخَعِيُّ عَنْ عَدِيِّ بْنِ ثَابِتٍ، عَنْ شَيْخٍ مِنَ الْأَنْصَارِ، عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ بِمَعْنَى مُسَدَّدٍ قَالَ: «وَمَنْ لَزِمَ السُّلْطَانَ افْتِنَ». زَادَ: «وَمَا أَزْدَادَ عَبْدٌ مِنَ السُّلْطَانِ دُنُوًّا إِلَّا أَزْدَادَ مِنْ اللَّهِ بُعْدًا».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٤٠/٢ عن محمد بن عبيد به * شيخ من الأنصار: لم أعرفه.

2861. It was reported from Abū Tha'labah Al-Khushanī, from the Prophet ﷺ [that he said]: "If you shoot a game, and then find it after

٢٨٦١ - حَدَّثَنَا يَحْيَى بْنُ مَعِينٍ قَالَ: حَدَّثَنَا حَمَادُ بْنُ خَالِدٍ الْخَيَّاطُ عَنْ مُعَاوِيَةَ بْنِ

three nights with your arrow in it, then eat it, provided it does not stink.” (*Ṣaḥīḥ*)

صَالِح، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرٍ بْنِ نُفَيْرٍ،
عَنْ أَبِيهِ، عَنْ أَبِي ثَعْلَبَةَ الْخُسَيْيِّ عَنِ النَّبِيِّ
ﷺ [قَالَ]: «إِذَا رَمَيْتَ الصَّيْدَ فَأَدْرَكْتَهُ بَعْدَ
ثَلَاثِ لَيَالٍ وَسَهْمُكَ فِيهِ فَكُلْ مَا لَمْ يَنْتِنَ».

تخريج: أخرجه مسلم، الصيد والذبائح، باب: إذا غاب عنه الصيد ثم وجدته، ح: ١٩٣١ من حديث حماد بن خالد به.

The End of the Book of Hunting

17. The Book Of Wills

(المعجم ١٧) - أَوَّلُ كِتَابِ الْوَصَايَا

(التحفة ١٢)

Chapter 1. what Has Been Related About What Is Commanded About The Will

(المعجم ١) - بَابُ مَا جَاءَ فِيْمَا يُؤْمَرُ بِهِ مِنَ الْوَصِيَّةِ (التحفة ١)

2862. It was reported from Nāfi', from 'Abdullāh, meaning Ibn 'Umar, from the Messenger of Allāh ﷺ, he said: "A Muslim who has anything with him to will, has no right to spend three nights except that his will is written with him." (*Ṣaḥīḥ*)

٢٨٦٢ - حَدَّثَنَا مُسَدَّدُ بْنُ مُسْرَهْدٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ عُبَيْدِ اللَّهِ قَالَ: حَدَّثَنِي نَافِعٌ عَنْ عَبْدِ اللَّهِ يَعْنِي ابْنَ عُمَرَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «مَا حَقُّ أَمْرِي مُسْلِمٌ لَهُ شَيْءٌ يُوصِي فِيهِ يَبِيتُ لَيْلَتَيْنِ إِلَّا وَوَصِيَّتُهُ مَكْتُوبَةٌ عِنْدَهُ».

تخریج: أخرجه مسلم، الوصية، باب: وصية الرجل مكتوبة عنده، ح: ١٦٢٧ من حديث يحيى القطان، والبخاري، الوصايا، باب الوصايا، ح: ٢٧٣٨ من حديث نافع به.

Comments:

Meaning if he has property that he wants to will to other than his heirs, he must record that will.

2863. It was reported from 'Āishah who said: "The Messenger of Allāh ﷺ did not leave behind any Dinārs, Dirhams, camels or sheep, and he did not willed anything." (*Ṣaḥīḥ*)

٢٨٦٣ - حَدَّثَنَا مُسَدَّدٌ وَمُحَمَّدُ بْنُ الْعَلَاءِ قَالَا: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ مَسْرُوقٍ، عَنْ عَائِشَةَ قَالَتْ: مَا تَرَكَ رَسُولُ اللَّهِ ﷺ دِينَارًا وَلَا دِرْهَمًا وَلَا بَعِيرًا وَلَا شَاةً وَلَا أَوْصَى بِشَيْءٍ.

تخریج: أخرجه مسلم، الوصية، باب ترك الوصية لمن ليس له شيء يوصي فيه، ح: ١٦٣٥ من حديث أبي معاوية الضرير به.

Chapter 2. What Has Been Related Regarding What Is Allowed For A Testator To Give From His Wealth

(المعجم ٢) - بَابُ مَا جَاءَ فِيْمَا يَجُوزُ لِلْمُوصِي فِي مَالِهِ (التحفة ٢)

2864. 'Āmir bin Sa'd reported

٢٨٦٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَابْنُ

from his father (Sa'd bin Abi Waqqās), who said that when he fell sick — Ibn Abi Khalaf (one of the two narrators) said: "In Makkah," then they were in accord — which brought him very near to death, the Messenger of Allāh ﷺ visited him. He said: "O Messenger of Allāh! I have a lot of wealth, and I only have a daughter to inherit it, can I give two-third of it in charity?" He replied: "No". He said: "What about one-half?" He replied: "No". He said: "What about one-third." He replied: "(You may bequest for) one third, though one-third is a lot. If you leave your heirs rich it is better than leaving them poor, begging from the people. And whatever you spend, seeking to please Allāh, you will be rewarded for that, even a morsel you put in your wife's mouth." I said: "O Messenger of Allāh! Will I have stayed behind from emigration?" He said: "If you live after me and do righteous deeds for the sake of Allāh, you will but increase in rank and degree. Perhaps you will live until some people will benefit from you, and others will be harmed by you." Then he said: "O Allāh complete the emigration for my Companions, and do not turn them back, but the one who suffered is Sa'd bin Khawlah." The Messenger of Allāh ﷺ felt sorry for him as he had died in Makkah. (Ṣaḥīḥ)

أَبِي خَلَفٍ قَالَ: حَدَّثَنَا سُفْيَانٌ عَنِ الزُّهْرِيِّ،
عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِيهِ قَالَ: مَرَضَ
مَرَضًا - قَالَ ابْنُ أَبِي خَلَفٍ: بِمَكَّةَ ثُمَّ اتَّفَقَا -
أَشْفَيْ فِيهِ، فَعَادَهُ رَسُولُ اللَّهِ ﷺ فَقَالَ:
يَا رَسُولَ اللَّهِ! إِنَّ لِي مَالًا كَثِيرًا وَلَيْسَ يَرِثُنِي
إِلَّا ابْنَتِي أَفَأَصَدِّقُ؟ بِالثُّلُثَيْنِ؟ قَالَ: «لَا»،
قَالَ: فَبِالشُّطْرِ؟ قَالَ: «لَا»، قَالَ: فَالثُّلُثُ
قَالَ: «الثُّلُثُ وَالثُّلُثُ كَثِيرٌ، إِنَّكَ إِنْ تَتْرَكَ
وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَدْعَهُمْ عَالَةً
يَتَكَفَّفُونَ النَّاسَ، وَإِنَّكَ لَنْ تُنْفِقَ نَفَقَةً إِلَّا
أُجِرْتَ فِيهَا حَتَّى اللُّقْمَةُ تَذْفَعُهَا إِلَى فِي
أَمْرَاتِكَ». قُلْتُ: يَا رَسُولَ اللَّهِ! أَتُخَلِّفُ عَنْ
هِجْرَتِي؟ قَالَ: «إِنَّكَ إِنْ تُخَلِّفَ بَعْدِي فَتَعْمَلْ
عَمَلًا صَالِحًا تُرِيدُ بِهِ وَجْهَ اللَّهِ لَا تَزْدَادُ بِهِ إِلَّا
رَفْعَةً وَدَرَجَةً، لَعَلَّكَ أَنْ تُخَلِّفَ حَتَّى يَنْتَفِعَ
بِكَ أَقْوَامٌ وَيُضَرَّ بِكَ آخَرُونَ»، ثُمَّ قَالَ:
«اللَّهُمَّ أَمِضْ لِأَصْحَابِي هِجْرَتَهُمْ وَلَا تَرُدَّهُمْ
عَلَى أَعْقَابِهِمْ، لَكِنَّ الْبَائِسَ، سَعْدُ بْنُ خَوْلَةَ»
يَرِثُنِي لَهُ رَسُولُ اللَّهِ ﷺ أَنْ مَاتَ بِمَكَّةَ.

تخريج: أخرجه مسلم، الوصية، باب الوصية بالثلث، ح: ١٦٢٨ من حديث سفیان بن عیینة،
والبخاري، الدعوات، باب الوباء برفع الدعاء والوجع، ح: ٦٣٧٣ من حديث الزهري به.

Comments:

The wealthy person has a duty to take care of his family and near relatives, and Sa'd was afraid of dying in Makkah before emigrating to Al-Madinah, which is why he asked Allāh's Messenger if he would be among those that stayed behind. Sa'd lived for forty-four years after the death of the Prophet ﷺ.

Chapter 3. What Has Been Related About It Being Disliked To Cause Harm With The Will

2865. It was reported from Abū Hurairah who said: "A man said to the Messenger of Allāh ﷺ: 'O Messenger of Allāh! Which kind of charity is best?' He replied: 'To spend (in charity) while you are healthy, aspiring, hoping to survive, and fearing poverty, and not delaying until death comes to you, then you say: "This and this is for so-and-so, this and this is for so-and-so," while it already belongs to so-and-so.'" (*Ṣaḥīḥ*)

(المعجم ٣) - بَابُ مَا جَاءَ فِي كَرَاهِيَةِ
الْإِضْرَارِ فِي الْوَصِيَّةِ (التحفة ٣)

٢٨٦٥ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ قَالَ: حَدَّثَنَا عُمَارَةُ بْنُ الْقُعْقَاعِ عَنْ أَبِي زُرْعَةَ بْنِ عَمْرٍو بْنِ جَرِيرٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: يَا رَسُولَ اللَّهِ! أَيُّ الصَّدَقَةِ أَفْضَلُ؟ قَالَ: «أَنْ تَصَدَّقَ وَأَنْتَ صَحِيحٌ حَرِيصٌ، تَأْمُلُ الْبَقَاءَ وَتَخْشَى الْفَقْرَ وَلَا تُمَهِّلُ حَتَّى إِذَا بَلَغَتْ الْخُلُقُومَ قُلْتَ: لِفُلَانٍ كَذَا، وَلِفُلَانٍ كَذَا، وَقَدْ كَانَ لِفُلَانٍ».

تخريج: أخرجه البخاري، الزكاة، باب فضل صدقة الشحيح الصحيح، ح: ١٤١٩ ومسلم، الزكاة، باب بيان أن أفضل الصدقة صدقة الشحيح الصحيح، ح: ١٠٣٢ من حديث عبد الواحد بن زياد به.

Comments:

The best charity is that given by a person in spite of his own need for it, and in a state of good health.

2866. It was reported from Abū Sa'eed Al-Khudrī, that the Messenger of Allāh ﷺ said: "For a person to give one Dirham in charity during his lifetime is better than one hundred Dirham in charity at the time of his death." (*Ḍa'īf*)

٢٨٦٦ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ قَالَ: حَدَّثَنَا ابْنُ أَبِي فُدَيْلٍ قَالَ: أَخْبَرَنِي ابْنُ أَبِي ذُؤَبٍ عَنْ شُرَحْبِيلٍ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَأَنْ يَتَصَدَّقَ الْمَرْءُ فِي حَيَاتِهِ بِدِرْهَمٍ خَيْرٌ لَهُ مِنْ أَنْ يَتَصَدَّقَ بِمِائَةٍ عِنْدَ مَوْتِهِ».

تخريج: [إسناده ضعيف] أخرجه ابن عبد البر في التمهيد: ٤/٣٠٤ من حديث أبي داود به،

وصححه ابن حبان، ح: ٨٢١ * شرحبيل بن سعد: ضعفه الجمهور واختلط أيضًا.

2867. It was reported from Al-Ash'ath bin Jābir who said: "Shahr bin Hawshab narrated to me that Abū Hurairah narrated to him, that the Messenger of Allāh ﷺ said: 'A man or a woman does the deeds of obedience to Allāh for sixty years, then when death comes to them they cause detriment through the bequest, and the Fire becomes mandatory on them.'" He (Shahr) said: "Abū Hurairah recited to me from: 'After the payment of legacies he (or she) may have bequeathed or debts, so that no loss is caused (to anyone)' until the Verse: 'that will be the great success.'"^[1] (Hasan)

Abū Dāwud said: Al-Ash'ath bin Jābir is the grandfather of Naṣr bin 'Alī (one of the narrators).

٢٨٦٧ - حَدَّثَنَا عَبْدَةُ بْنُ عَبْدِ اللَّهِ قَالَ: أَخْبَرَنَا عَبْدُ الصَّمَدِ قَالَ: حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ الْحُدَّائِيُّ قَالَ: حَدَّثَنَا الْأَشْعَثُ بْنُ جَابِرٍ قَالَ: حَدَّثَنِي شَهْرُ بْنُ حَوْشَبٍ أَنَّ أَبَا هُرَيْرَةَ حَدَّثَهُ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِنَّ الرَّجُلَ لَيَعْمَلُ أَوْ الْمَرْأَةُ بِطَاعَةِ اللَّهِ سِتِينَ سَنَةً، ثُمَّ يَخْضُرُهُمَا الْمَوْتُ فَيُضَارَّانِ فِي الْوَصِيَّةِ فَتَجِبُ لَهُمَا النَّارُ. قَالَ: وَقَرَأَ عَلَيَّ أَبُو هُرَيْرَةَ مِنْ هَاهُنَا ﴿مِنْ بَعْدِ وَصِيَّتِي يُوصِي بِهَا أَوْ دَيْنٍ غَيْرَ مُضْكَرٍ﴾ حَتَّى بَلَغَ ﴿ذَلِكَ الْقَوْلُ الْعَلِيمُ﴾ [النساء: ١٢، ١٣].

قَالَ أَبُو دَاوُدَ: هَذَا يَعْنِي الْأَشْعَثَ بْنَ جَابِرٍ جَدُّ نَصْرِ بْنِ عَلِيٍّ.

تخريج: [إسناده حسن] أخرجه الترمذي، الوصايا، باب ما جاء في الضرار في الوصية، ح: ٢١١٧ من حديث عبدالصمد به وقال: "حسن صحيح غريب" ورواه ابن ماجه، ح: ٢٧٠٤ * شهر بن حوشب مختلف فيه، وثقه الجمهور فيما أرى وقال الذهبي في ديوان الضعفاء، (ص: ١٤٥) "وحديثه حسن" وقال ابن حجر: "وشهر حسن الحديث وإن كان فيه بعض الضعف" (فتح الباري: ٦٥/٣).

Comments:

The *Hadūth* is clear on the point that to seek to harm the interest of the legal heirs through one's will is a major sin; it amounts to transgressing the bounds of Allāh, which is unlawful in Islam.

Chapter 4. What Has Been Related About Accepting The Position Of Executing A Will

(المعجم ٤) - بَابُ مَا جَاءَ فِي الدُّخُولِ فِي الْوَصَايَا (التحفة ٤)

2868. Abū Dharr said: "The Messenger of Allāh ﷺ said to me:

٢٨٦٨ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا

^[1] *An-Nisā'*: 4:12,13.

‘O Abū Dharr! I see you as weak, and I love for you what I love for myself. Do not take command over two persons, and do not be a guardian over an orphan’s property.” (*Ṣaḥīḥ*)

Abū Dāwud said: The people of Egypt are alone with it.^[1]

أَبُو عَبْدِ الرَّحْمَنِ الْمُقْرِيءُ قَالَ: حَدَّثَنَا سَعِيدُ ابْنُ أَبِي أَيُّوبَ عَنْ عُثَيْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ، عَنْ سَالِمِ بْنِ أَبِي سَالِمٍ الْجَيْشَانِيِّ، عَنْ أَبِيهِ، عَنْ أَبِي ذَرٍّ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا أَبَا ذَرٍّ! إِنِّي أَرَاكَ ضَعِيفًا وَإِنِّي أُحِبُّ لَكَ مَا أُحِبُّ لِنَفْسِي فَلَا تَأْمُرَنَّ عَلَى اثْنَيْنِ وَلَا تَوَلَّيَنَّ مَالَ يَتِيمٍ».

قَالَ أَبُو دَاوُدَ: تَقَرَّرَ بِهِ أَهْلُ مِصْرَ.

تخريج: أخرجه مسلم، الإمامة، باب كراهة الإمامة بغير ضرورة، ح: ١٨٢٦ من حديث أبي

عبدالرحمن المقرئ به.

Comments:

There can be no doubt that a position of leadership or responsibility is a weighty task in both this world and the Hereafter. Anyone aware of his weaknesses must decline to shoulder such a responsibility at the very outset, and spare himself the ignominy and disgrace in this world as well as in the Hereafter.

Chapter 5. What Has Been Related About Abrogating The Will For The Parents And Near Relatives

2869. It was reported from Ibn ‘Abbās: “If he leaves wealth, that he makes a bequest to parents and next of kin”^[2] (he said) the bequest was made in this way until the Verse of inheritance abrogated it. (*Ḥasan*)

(المعجم ٥) - بَابُ مَا جَاءَ فِي نَسْخِ الْوَصِيَّةِ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ (التحفة ٥)

٢٨٦٩ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَرْوَزِيُّ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنِ بْنِ وَاقِدٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ ﴿إِنْ تَرَكَ خَيْرًا الْوَصِيَّةُ لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ﴾ [البقرة: ١٨] فَكَانَتِ الْوَصِيَّةُ كَذَلِكَ حَتَّى نَسَخَهَا آيَةُ الْمِيرَاثِ.

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٦٥/٦ من حديث أبي داود به.

[1] Meaning, in narrating this.

[2] *Al-Baqarah*: 2:180.

Chapter 6. What Has Been Related About Willing To An Heir

2870. It was reported from Abū Umāmah, that he said: "I heard the Messenger of Allāh ﷺ saying: 'Allāh has allotted to every rightful person what is due to him, so there is no willing to an heir.'" (*Hasan*)

(المعجم ٦) - بَابُ مَا جَاءَ فِي الْوَصِيَّةِ
لِلْوَارِثِ (التحفة ٦)

٢٨٧٠ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ قَالَ: حَدَّثَنَا ابْنُ عِيَّاشٍ عَنْ شُرَحْبِيلَ بْنِ مُسْلِمٍ قَالَ: سَمِعْتُ أَبَا أُمَامَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ فَلَا وَصِيَّةَ لَوَارِثٍ».

تخریج: [حسن] أخرجه الترمذي، الوصايا، باب ما جاء لا وصية لوارث، ح: ٢١٢٠ من حديث إسماعيل بن عياش به، وصرح بالسماع عند أحمد: ٢٦٧/٥ وقال الترمذي: "حسن صحيح" ورواه ابن ماجه، ح: ٢٧١٣ * شرحبيل شامي وللحديث شواهد كثيرة.

Chapter 7. Mixing One's Food With The Food Of An Orphan

2871. It was reported from Ibn 'Abbās, who said: "When Allāh, the Mighty and Sublime, revealed: "And come not near to the orphan's property, except to improve it"^[1] and: "Verily, those who unjustly eat up the property of orphans."^[2] until the end of the Verse, whoever had an orphan with him, went and separated his food from the food of the orphan, and his drink from the drink of the orphan. The food of the orphan started to become surplus, which he would keep for him to eat, or until it spoiled. That became difficult on them, so they mentioned this to the Messenger of Allāh ﷺ. So Allāh, the Mighty and

(المعجم ٧) - بَابُ مُخَالَطَةِ الْيَتِيمِ فِي الطَّعَامِ
(التحفة ٧)

٢٨٧١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا جَرِيرٌ عَنْ عَطَاءٍ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَمَّا أَنْزَلَ اللَّهُ عَزَّوَجَلَّ: ﴿وَلَا تَقْرَبُوا مَالَ الْيَتِيمِ إِلَّا بِالَّتِي هِيَ أَحْسَنُ﴾ [الأنعام: ١٥٢] وَ﴿إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالَ الْيَتَامَى ظُلْمًا﴾ [النساء: ١٠] الْآيَةَ، انْطَلَقَ مَنْ كَانَ عِنْدَهُ يَتِيمٌ فَعَزَلَ طَعَامَهُ مِنْ طَعَامِهِ وَشَرَابَهُ مِنْ شَرَابِهِ، فَجَعَلَ يَفْضِلُ مِنْ طَعَامِهِ فَيَحْسِبُ لَهُ حَتَّى يَأْكُلَهُ أَوْ يَشْرَبَهُ، فَاشْتَدَّ ذَلِكَ عَلَيْهِمْ، فَذَكَرُوا ذَلِكَ لِرَسُولِ اللَّهِ ﷺ، فَأَنْزَلَ اللَّهُ عَزَّوَجَلَّ: ﴿وَيَسْتَوُونَكَ عَنِ الْيَتَامَى قُلْ إِصْلَاحٌ لَّهُمْ خَيْرٌ وَإِنْ تُخَاطَبُوا عَنْهُمُ فَاخْلُوكُمْ﴾ [البقرة: ٢٢٠]

[1] *Al-An'ām* 6:152.

[2] *An-Nisā'* 4:10.

Sublime, revealed: "And they ask you concerning orphans. Say: "The best thing is to work honestly in their property, and if you mix your affairs with theirs, then they are your brothers."^[1] Then they mixed their food with his food, and their drink with his drink."

فَخَلَطُوا طَعَامَهُمْ بِطَعَامِهِ وَشَرَابَهُمْ بِشَرَابِهِ.

تخريج: [إسناده ضعيف] أخرجه النسائي، الوصايا، باب ما للوصي من مال اليتيم إذا قام عليه، ح: ٣٦٩٩ من حديث عطاء بن السائب به، وصححه الحاكم: ٢/٢٧٨، ٢٧٩ ووافقه الذهبي * عطاء اختلط.

Comments:

The elevated position of guardianship, upbringing and well-wishing towards an orphan, bestowed upon a person, also demands that he sees to it that the orphan is treated with special kindness, leaving no room in his mind for a feeling of alienation in the household.

Chapter 8. What Has Been Related About What Is Allowed For The Guardian Of The Orphan To Take From His Wealth

(المعجم ٨) - بَابُ مَا جَاءَ فِيْمَا لَوْلِيِ
الْيَتِيمِ أَنْ يَتَّكِلَ مِنْ مَالِ الْيَتِيمِ (التحفة ٨)

2872. It was reported from 'Amr bin Shu'aib, from his father, from his grandfather, that a man came to the Prophet ﷺ, and said: "I am a poor person, I have nothing with me, and I have an orphan." He said: "Eat from the wealth of your orphan without extravagance, nor haste, nor using it for trade." (*Hasan*)

٢٨٧٢ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ أَنَّ خَالِدَ ابْنَ الْحَارِثِ حَدَّثَهُمْ قَالَ: حَدَّثَنَا حُسَيْنٌ يَعْنِي الْمُعَلَّمُ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ فَقَالَ: إِنِّي فَقِيرٌ لَيْسَ لِي شَيْءٌ وَلِي يَتِيمٌ، قَالَ: فَقَالَ: «كُلْ مِنْ مَالِ يَتِيمِكَ غَيْرَ مُسْرِفٍ وَلَا مُبَادِرٍ وَلَا مُتَأَثِّلٍ».

تخريج: [إسناده حسن] أخرجه النسائي، الوصايا، باب ما للوصي من مال اليتيم إذا قام عليه، ح: ٣٦٩٨ من حديث خالد بن الحارث به وصححه ابن الجارود، ح: ٩٥٢ وقواه الحافظ في الفتح: ٢٤١/٨.

Chapter 9. What Has Been Related About When One Ceases Being An Orphan

(المعجم ٩) - بَابُ مَا جَاءَ مَتَى يَنْقَطِعُ
الْيَتِيمُ (التحفة ٩)

2873. It was reported from 'Alī bin

٢٨٧٣ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ قَالَ:

^[1] *Al-Baqarah* 2:220.

Abī Tālib, that he said: “I memorized from the Messenger of Allāh ﷺ: ‘There is no orphan after attaining puberty, and there is no observance of silence for the whole day until night.’” (*Daʿif*)

حَدَّثَنَا يَحْيَى بْنُ مُحَمَّدٍ الْمَدَنِيُّ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ خَالِدِ بْنِ سَعِيدٍ بْنُ أَبِي مَرْيَمَ عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ رُقَيْشٍ أَنَّهُ سَمِعَ شُيُوخًا مِنْ بَنِي عَمْرٍو بْنِ عَوْفٍ وَمِنْ خَالِهِ عَبْدُ اللَّهِ بْنِ أَبِي أَحْمَدَ قَالَ: قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ: حَفِظْتُ عَنْ رَسُولِ اللَّهِ ﷺ: «لَا يُتِمُّ بَعْدَ احْتِلَامٍ وَلَا صُمَاتٍ يَوْمٌ إِلَى اللَّيْلِ».

تخریج: [إسناده ضعيف] وأخرجه الطبراني في الصغير: ٩٦/١ من حديث أحمد بن صالح به وللحديث شواهد في التلخيص الحبير: ١٠١/٣، ح: ١٣٨٨ وغيره * خالد بن سعيد لم يوثقه غير ابن حبان، وباقي السند حسن، وللحديث شواهد ضعيفة، وحديث الطبراني: ١٤/٤ ح: ٣٥٠٢ يغني عنه.

Comments:

On reaching the age of puberty, the child ceases to be legally an “orphan,” and therefore should be responsible for his own affairs. Thus, if he is found to be possessed of sound judgment, his say will be preferable and decisive in matters relating to business and marriage arrangements. But if it is found that the orphan has not developed the capacity of sound judgment, the guardian shall, for some additional time, remain in-charge of his affairs.

As regards the vow of silence, people were wont to observing it in the pre-Islamic era. When Islam came, it was prohibited. Instead, it was encouraged for the people to use their gift of speech to articulate the praises of Allāh and speak other good things.

Chapter 10. What Has Been Related About The Severity Of Consuming The Wealth Of An Orphan

(المعجم ١٠) - بَابُ مَا جَاءَ فِي التَّشْدِيدِ فِي أَكْلِ مَالِ الْيَتِيمِ (التحفة ١٠)

2874. It was reported from Abul-Ghaith, from Abū Hurairah that the Messenger of Allāh ﷺ said: “Avoid the seven destroyers.” They said: “O Messenger of Allāh! And what are they?” He replied: “Committing *Shirk* with Allāh, magic, to kill someone that Allāh has prohibited — except by right — consuming *Ribā*, consuming the wealth of an orphan, to flee on the

٢٨٧٤ - حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدٍ الْهَمْدَانِيُّ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ سُلَيْمَانَ بْنِ بِلَالٍ عَنْ ثَوْرِ بْنِ زَيْدٍ، عَنْ أَبِي الْعَيْثِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «اجْتَنِبُوا السَّبْعَ الْمُوبِقَاتِ»، قِيلَ: يَا رَسُولَ اللَّهِ! وَمَا هُنَّ؟ قَالَ: «الشِّرْكُ بِاللَّهِ، وَالسَّحَرُ، وَقَتْلُ النَّفْسِ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ، وَأَكْلُ الرِّبَا، وَأَكْلُ

day of the march (to battle), and to slander the chaste, unaware, believing women.” (*Ṣaḥīḥ*)

Abū Dāwud said: Abū Al-Ghaith Sālīm, the freed slave of Ibn Muṭīr.

مَالِ الْيَتِيمِ، وَالْتَوَلَّى يَوْمَ الرَّحْفِ، وَقَذَفَ الْمُحْصَنَاتِ الْغَافِلَاتِ الْمُؤْمِنَاتِ».

قَالَ أَبُو دَاوُدَ: أَبُو الْغَيْثِ سَالِمٌ مَوْلَى ابْنِ مُطِيعٍ.

تخریج: أخرجه مسلم، الإیمان، باب الكبائر وأكبرها، ح: ٨٩ من حديث ابن وهب، والبخاري، الوصايا، باب قول الله تعالى: ﴿إِنَّ الَّذِينَ يَأْكُلُونَ أَمْوَالِ الْيَتَامَى ظُلْمًا...﴾ إلخ ح: ٢٧٦٦ من حديث سليمان بن بلال به.

Comments:

The seven acts mentioned in the *Hadīth* are regarded as major sins, but according to other narrations the number of such deeds is more than seven.

2875. It was reported from ‘Ubaid bin ‘Umair, from his father, that he narrated to him — and he was a Companion of the Prophet ﷺ — that a man asked: “O Messenger of Allāh! What are the major sins?” He replied: “They are nine.” And he mentioned its meaning (as preceded), and added: “disobeying Muslim parents, and violating *Al-Bait Al-Harām* (the Sacred House) which is your *Qiblah* during life and after death.” (*Da‘īf*)

٢٨٧٥ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ يَعْقُوبَ الْجَوْزَجَانِيُّ قَالَ: حَدَّثَنَا مُعَاذُ بْنُ هَانِئٍ قَالَ: حَدَّثَنَا حَرْبُ بْنُ شَدَّادٍ قَالَ: حَدَّثَنَا يَحْيَى بْنُ أَبِي كَثِيرٍ عَنْ عَبْدِ الْحَمِيدِ بْنِ سَيَّانٍ: حَدَّثَنَا عُيَيْدُ بْنُ عُمَيْرٍ عَنْ أَبِيهِ أَنَّهُ حَدَّثَهُ - وَكَانَ لَهُ صُحْبَةٌ - أَنَّ رَجُلًا سَأَلَهُ فَقَالَ: يَا رَسُولَ اللَّهِ! مَا الْكَبَائِرُ؟ قَالَ: «هُنَّ تِسْعٌ» فَذَكَرَ مَعْنَاهُ. زَادَ: «وَعُقُوقُ الْوَالِدَيْنِ الْمُسْلِمَيْنِ، وَاسْتِحْلَالُ الْبَيْتِ الْحَرَامِ قِبَلَتِكُمْ أَحْيَاءً وَأَمْوَاتًا».

تخریج: [إسناده ضعيف] أخرجه النسائي، تحريم الدم، باب ذكر الكبائر، ح: ٤٠١٧ من حديث معاذ بن هانيء به وصححه الحاكم: ٢٥٩/٤ ووافقه الذهبي مرة وخالفه مرة أخرى: ٥٩/١ وللحديث شواهد * يحيى بن أبي كثير مدلس وعنعن، وللحديث شواهد ضعيفة.

Comments:

Technically, any action expressly forbidden by Allāh is a major sin. According to another view, a major sin is that about which either the threat of Hellfire, or a curse has been pronounced for it by Allāh and His Prophet ﷺ, or some punishment has been pronounced for the committing of it. Moreover, a minor sin, if repeated again, and again also assumes the status of a major sin.

Chapter 11. What Has Been Related Of Evidence That The Shroud Is From One's Wealth

2876. It was reported from Khabbāb who said: "Muṣ'ab bin 'Umair was killed on the Day of Uhud, and he had nothing but a *Namirah*. When we covered his head with it his legs were exposed, and when we covered his legs with it his head was exposed. So the Messenger of Allāh ﷺ said: "Cover his head with it, and put some *Idhkhir* over his legs." (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجنائز، باب: في كفن الميت، ح: ٩٤٠ من حديث سفيان والبخاري، الجنائز، باب: إذا لم يجد كفناً إلا ما يوارى رأسه... إلخ، ح: ١٢٧٦ من حديث الأعمش به.

Comments:

Arrangement for the shrouding and burial of the deceased person is given preference over paying debts and implementation of his will.

Chapter 12. What Has Been Related About A Man Who Gives A Gift, Then It Is Bequeathed To Him, Or He Inherits It

2877. It was reported from Buraidah that a woman came to the Messenger of Allāh ﷺ and said: "I gave a slave-girl to my mother as charity, and she died and left behind that slave-girl." He said: "Your reward has been granted and she is returned back to you in inheritance." She said: "She died and a month's fasting was due on her. Will it be sufficient" — or "fulfilled for her if I fast it for her?" He replied: "Yes." She said:

(المعجم ١١) - بَابُ مَا جَاءَ فِي الدَّلِيلِ عَلَى أَنَّ الْكَفْنَ مِنْ جَمِيعِ الْمَالِ (التحفة ١١)

٢٨٧٦ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنْ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ خَبَّابٍ قَالَ: مُضْعَبُ بْنُ عُمَيْرٍ قُتِلَ يَوْمَ أُحُدٍ وَلَمْ يَكُنْ لَهُ إِلَّا نَمِرَةٌ كُنَّا إِذَا غَطَيْنَا بِهَا رَأْسَهُ خَرَجَتْ رِجْلَاهُ، وَإِذَا غَطَيْنَا رِجْلَيْهِ خَرَجَ رَأْسُهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «غَطُّوا بِهَا رَأْسَهُ وَاجْعَلُوا عَلَى رِجْلَيْهِ مِنَ الْإِذْخِرِ».

(المعجم ١٢) - بَابُ مَا جَاءَ فِي الرَّجُلِ يَهْبُ الْهَبَةَ ثُمَّ يُوَصِّي لَهُ بِهَا أَوْ يَرِثُهَا (التحفة ١٢)

٢٨٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ قَالَ: حَدَّثَنَا زُهَيْرٌ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَطَاءٍ عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ بُرَيْدَةَ: أَنَّ امْرَأَةً أَتَتْ رَسُولَ اللَّهِ ﷺ وَقَالَتْ: كُنْتُ تَصَدَّقْتُ عَلَى أُمِّي بِوَلِيدَةٍ وَإِنَّهَا مَاتَتْ وَرَكَتْ تِلْكَ الْوَلِيدَةَ. قَالَ: «قَدْ وَجِبَ أَجْرُكَ وَرَجَعَتْ إِلَيْكَ فِي الْمِيرَاثِ». قَالَتْ: وَإِنَّهَا مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرِ أُفَيْجِرِيءَ - أَوْ بَقْصِي - عَنْهَا أَنْ أَصُومَ عَنْهَا؟ قَالَ: «نَعَمْ».

“And she has not performed *Hajj*, will it be sufficient” — Or “fulfilled for her if I perform *Hajj* for her?” He replied: “Yes.” (*Ṣaḥīḥ*)

قَالَتْ: وَإِنَّهَا لَمْ تَحُجَّ أَفَيَجْزِيءُ - أَوْ يُقْضَى عَنْهَا أَنْ أُحَجَّ عَنْهَا؟ قَالَ: «نَعَمْ».

تخریج: أخرجه مسلم، الصيام، باب قضاء الصوم عن الميت، ح: ١١٤٩ من حديث عبدالله

ابن عطاء به وتقدم، ح: ١٦٥٦.

Comments:

It is lawful to accept, as inheritance, the things previously given in charity or as gift. This does not fall under the category of taking back gifts and charity. If the deceased person had some missed fasts, they should be made up by his heirs. Some of the scholars held the view that making up such fasts was only in the case when the person had vowed to perform those fasts other than the prescribed fast of Ramadan, and died prior to having the chance.

Chapter 13. What Has Been Related About A Man Who Institutes An Endowment

(المعجم ١٣) - بَابُ مَا جَاءَ فِي الرَّجُلِ يُؤَيِّقُ الْوَقْفَ (التحفة ١٣)

2878. It was reported from Nāfi‘, from Ibn ‘Umar who said: “‘Umar acquired some land in *Khaibar*, so he came to the Prophet ﷺ and said: ‘I acquired some land and I have never acquired a property more precious than it, so what do you advise me to do with it?’ He replied: ‘If you wish institute an endowment of it and give in charity from its (profit).’ So ‘Umar gave it in charity, and stated that the property is not to be sold entirely, nor given away, nor inherited but it is (to be used) for the poor, and near kindred, and freeing slaves, and in the cause of Allāh, and for the wayfarers” — and he added from Bishr:^[1] “and the guests.” Then they were in accord: “There will be no sin on the administrator of the property to eat from it

٢٨٧٨ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا يَزِيدُ ابْنُ زُرَيْعٍ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا بِشْرُ بْنُ الْمُفَضَّلِ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا يَحْيَى عَنْ ابْنِ عَوْنٍ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ قَالَ: أَصَابَ عُمَرُ أَرْضًا بِخَيْرٍ فَأَتَى النَّبِيَّ ﷺ فَقَالَ: أَصَبْتُ أَرْضًا لَمْ أُصِبْ مَالًا قَطُّ أَنْفَسَ عِنْدِي مِنْهُ فَكَيْفَ تَأْمُرُنِي بِهِ؟ قَالَ: «إِنْ شِئْتَ حَبَسْتَ أَصْلَهَا وَتَصَدَّقْتَ بِهَا»، فَتَصَدَّقَ بِهَا عُمَرُ، أَنَّهُ لَا يَبَاعُ أَصْلُهَا وَلَا يُوهَبُ وَلَا يُورَثُ، لِلْفُقَرَاءِ وَالْفُرْقَى وَالرَّقَابِ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ - وَزَادَ عَنْ بِشْرٍ: وَالضُّيُفِ - ثُمَّ اتَّفَقُوا، لَا جُنَاحَ عَلَى مَنْ وَلَيْهَا أَنْ يَأْكُلَ مِنْهَا بِالْمَعْرُوفِ وَيُطْعِمَ صَدِيقًا غَيْرَ مَتَمَوِّلٍ فِيهِ. زَادَ عَنْ بِشْرٍ قَالَ: وَقَالَ

[1] That is, Musad-dad added that Bishr said, because Musad-dad narrated it from more than one person.

within what is customary, and to feed a friend from it without making it his own property.” And he added from Bishr: “And Muḥammad^[1] said: ‘Without trying to amass wealth from it.’”

(*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، الوصايا، باب الوقف كيف يكتب؟ ح: ٢٧٧٢ عن مسدد، ومسلم، الوصية، باب الوقف، ح: ١٦٣٣ من حديث عبدالله بن عون به.

2879. It was narrated from Yahyā bin Sa‘eed, regarding the endowment of ‘Umar bin Al-Khaṭṭāb, he said: “‘Abdul-Ḥamīd bin ‘Abdullāh bin ‘Abdullāh bin ‘Umar bin Al-Khaṭṭāb copied it (the document) for me: ‘In the Name of Allāh, Most Gracious, Most Merciful. This is what the worshiper of Allāh, ‘Umar, has written about Thamgh.’” He narrated in the report similar to the *Ḥadīth* of Nāfi‘ (no. 2878). He added: “Without amassing wealth, whatever surplus there is from its fruits, then it is for the beggars and the deprived ones.” He said: “And he cited the narration. He said: ‘If the administrator of Thamgh wishes to buy a slave from its fruits for the work then he may do so.’ It was written by Mu‘aiqīb and witnessed by ‘Abdullāh bin Al-Arqam. In the Name of Allāh, Most Gracious, Most Merciful. This is what has been directed by the worshiper of Allāh, ‘Umar, the Commander of the Believers, if anything happens to him, then Thamgh, Ṣirmah bin Al-Akwa’, and

٢٨٧٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي اللَّيْثُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ صَدَقَةَ عُمَرَ بْنِ الْخَطَّابِ قَالَ: نَسَخَهَا لِي عَبْدُ الْحَمِيدِ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ: بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا كَتَبَ عَبْدُ اللَّهِ عُمَرُ فِي تَمْنَعٍ فَقَصَّ مِنْ خَبْرِهِ نَحْوَ حَدِيثٍ نَافِعٍ قَالَ: غَيْرَ مُتَأْتِلٍ مَالًا، فَمَا عَفَا عَنْهُ مِنْ ثَمَرِهِ، فَهُوَ لِلسَّائِلِ وَالْمَحْرُومِ. قَالَ: وَسَاقَ الْقِصَّةَ، قَالَ: وَإِنْ شَاءَ وَلِيُّ تَمْنَعٍ اشْتَرَى مِنْ ثَمَرِهِ رَقِيقًا لِعَمَلِهِ، وَكَتَبَ مُعَقِّبًا، وَشَهِدَ عَبْدُ اللَّهِ بْنُ الْأَرْقَمِ، بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذَا مَا أَوْصَى بِهِ عَبْدُ اللَّهِ عُمَرُ أَمِيرُ الْمُؤْمِنِينَ، إِنْ حَدَثَ بِهِ حَدَثٌ أَنْ تَمْنَعًا وَصَرَمَةً بَنَ الْأَكْوَعِ وَالْعَبْدَ الَّذِي فِيهِ وَالْمَائَةَ سَهْمِ الَّذِي بِخَبِيرٍ وَرَقِيقَهُ الَّذِي فِيهِ وَالْمَائَةَ النَّبِيِّ أَطْعَمَهُ مُحَمَّدٌ ﷺ بِالْوَادِي تَلِيهِ حَفْصَةُ مَا عَاشَتْ، ثُمَّ يَلِيهِ ذُو الرَّأْيِ مِنْ أَهْلِهَا أَنْ لَا يُبَاعَ وَلَا يُشْتَرَى، يُنْفَقُ حَيْثُ رَأَى مِنْ

^[1] That is, ‘Abdullāh bin ‘Awn narrated it to Muḥammad bin Sīrīn, and he said this. See *Al-Bukhārī* no. 2737, *Muslim* no. 4224, and *At-Tirmidhī* no. 1375.

the slave who is there, and the hundred shares which are in (the land of) Khaibar, the slave who is there, and the hundred shares which Muḥammad ﷺ donated to him in the valley, will remain in the custody of Ḥafṣah during her lifetime, then will go in the custody of a man of insight from her family. These will neither be sold, nor purchased. It (the produce) will be spent on where he sees it is appropriate, for the beggars, the deprived ones, and those near kindred. There is no harm for the one administering to eat, feed, and buy a slave from it.” (Ḥasan)

تخريج: [حسن] سنده ضعيف لأن عبد الحميد لم يدرك جده عمر (تحفة الأشراف: ٨٠/٨)

Comments:

لكنه وجادة وللحديث شواهد منها الحديث السابق.

The standard definition of *Waqf* (endowment or trust), is something or some property that is kept in tact, and the income accrued from it is given in charity. In all cases of *Waqf*, the conditions imposed on the property as well as on the administrator have to be clearly stipulated.

A person allotting a high-yielding property as a *Waqf*, so that even after his death, the expenditures concerned continue to benefit by it, is an act of great virtue, since Allāh says in the Qur’ān: “By no means shall you attain righteousness (and reward from Allāh) unless you spend (in His cause) of that which you love.” (Āl ‘Imrān 3:92)

The administrator of the trust has the right to spend, within the accepted norms for himself in his work for the *Waqf*, and his guests, from its income.

The will, as well as the trust deed, must be in the form of a written document, with signatures of witnesses affixed to it, so as to obviate the possibility of misappropriation and waste in it.

Chapter 14. What Has Been Related About Giving Charity On Behalf Of The Deceased

(المعجم ١٤) - بَابُ مَا جَاءَ فِي الصَّدَقَةِ

عَنِ الْمَيِّتِ (التحفة ١٤)

2880. It was reported from Abū Hurairah that the Messenger of Allāh ﷺ said: “When a person dies his deeds discontinue, except for three things: Ongoing charity,

٢٨٨٠ - حَدَّثَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ الْمُؤَدَّنُ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ سُلَيْمَانَ يَعْنِي ابْنَ بِلَالٍ، عَنْ الْأَعْلَاءِ بْنِ عَبْدِ الرَّحْمَنِ: أَرَأَاهُ عَنْ

knowledge which people benefit from, and a righteous son who prays for him.” (*Sahih*)

أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «إِذَا مَاتَ الْإِنْسَانُ انْقَطَعَ عَنْهُ عَمَلُهُ إِلَّا مِنْ ثَلَاثَةٍ أَشْيَاءَ: مِنْ صَدَقَةٍ جَارِيَةٍ، أَوْ عِلْمٍ يُنْتَفَعُ بِهِ، أَوْ وَلَدٍ صَالِحٍ يَدْعُو لَهُ».

تخريج: [صحيح] أخرجه مسلم، ح: ١٦٣١ من حديث العلاء به من غير شك.

Comments:

Acts like placing properties of ‘continuous benefit’ for the people under charitable trust, building *Masājid* and rest-houses for travelers, disseminating beneficial knowledge, training pupils, writing and publishing books, and engaging in other works of public good are all excellent forms of charitable work. Upbringing children on the principles of the *Sharī‘ah* may, however, be considered among the best form of charity.

Chapter 15. What Has Been Reltaed About Giving In Charity For One Who Died Without Leaving A Will

(المعجم ١٥) - بَابُ مَا جَاءَ فِيْمَنْ مَاتَ عَنْ غَيْرِ وَصِيَّةٍ يَتَصَدَّقُ عَنْهُ (التحفة ١٥)

2881. It was reported from ‘Āishah that a woman said: “O Messenger of Allāh! My mother died suddenly, if it were not for that, she would have given in charity and donated. Will it suffice if I give charity on her behalf?” The Prophet ﷺ said: “Yes, give in charity on her behalf.” (*Sahih*)

٢٨٨١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ هِشَامٍ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ: أَنَّ امْرَأَةً قَالَتْ: يَا رَسُولَ اللَّهِ! إِنْ أُمِّي افْتُلِتَتْ نَفْسُهَا وَلَوْ لَا ذَلِكَ لَتَصَدَّقْتُ وَأَعْطَيْتُ، أَفْتَجْزِيءُ أَنْ أَتَصَدَّقَ عَنْهَا؟ فَقَالَ النَّبِيُّ ﷺ: «نَعَمْ، فَتَصَدَّقِي عَنْهَا».

تخريج: [صحيح] * حماد هو ابن سلمة، وأصله عند البخاري، ح: ١٣٨٨ ومسلم، ح: ١٠٠٤ بعد، ح: ١٦٣٠ من حديث هشام عن أبيه: "أن رجلاً قال ... إلخ".

2882. It was reported from Ibn ‘Abbās that a man said: “O Messenger of Allāh! His mother died; will it benefit her if he gave charity on her behalf?” He replied: “Yes.” He said: “I have a garden, and I make you a witness that I have given it in charity on her behalf.” (*Sahih*)

٢٨٨٢ - حَدَّثَنَا أَحْمَدُ بْنُ مَنِيعٍ: حَدَّثَنَا رَوْحُ بْنُ عُبَادَةَ قَالَ: حَدَّثَنَا زَكْرِيَّا بْنُ إِسْحَاقَ قَالَ: أَخْبَرَنَا عَمْرُو بْنُ دِينَارٍ عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا قَالَ: يَا رَسُولَ اللَّهِ! إِنْ أُمِّي تُوُفِّيَتْ أَفَيَنْفَعُهَا إِنْ تَصَدَّقْتُ عَنْهَا؟ قَالَ: «نَعَمْ»، قَالَ: فَإِنَّ لِي مَخْرَفًا، وَإِنِّي أَشْهَدُكَ

أَنِّي قَدْ تَصَدَّقْتُ بِهِ عَنْهَا.

تخريج: أخرجه البخاري، الوصايا، باب: إذا وقف أرضاً ولم يبين الحدود فهو جائز وكذلك الصدقة، ح: ٢٧٧٠ من حديث روح بن عباد به.

Comments:

These are the only forms of conveying to the departed person the reward of deeds done after his death.

Chapter 16. What Has Been Related About The Will Of A Combatant Disbeliever Who Dies, And His Executor Accepts Islam, Does He Have To Carry Out The Will?

(المعجم ١٦) - بَابُ مَا جَاءَ فِي وَصِيَّةِ الْحَرْبِيِّ يُسْلِمُ وَلِيُّهُ أَيْلِزْمُهُ أَنْ يُنْفِذَهَا
(التحفة ١٦)

2883. It was reported from ‘Amr bin Shu‘aib, from his father, from his grandfather, that Al-Āṣ bin Wa’il instructed in his will that one hundred slaves be freed on his behalf. His son Hishām freed fifty slaves, and his son ‘Amr wanted to free the remaining fifty on his behalf. He said: “I will not do it until I ask the Messenger of Allāh ﷺ.” So he came to the Prophet ﷺ and said: “O Messenger of Allāh! My father instructed in his will to free one hundred slaves on his behalf. Hishām has freed fifty slaves on his behalf, and fifty remain. Can I free them on his behalf?” The Messenger of Allāh ﷺ said: “If he had been a Muslim; and you freed the slaves on his behalf, gave charity on his behalf, and performed *Hajj* (pilgrimage) on his behalf it would have reached him.” (*Hasan*)

٢٨٨٣ - حَدَّثَنَا الْعَبَّاسُ بْنُ الْوَلِيدِ بْنِ مَزِيدٍ قَالَ: أَخْبَرَنِي أَبِي قَالَ: حَدَّثَنَا الْأَوْزَاعِيُّ قَالَ: حَدَّثَنِي حَسَّانُ بْنُ عَطِيَّةٍ عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ الْعَاصِمَ بْنَ وَائِلٍ أَوْصَى أَنْ يُعْتَقَ عَنْهُ مِائَةُ رَقَبَةٍ، فَأَعْتَقَ ابْنُهُ هِشَامٌ خَمْسِينَ رَقَبَةً، فَأَرَادَ ابْنُهُ عَمْرُو أَنْ يُعْتَقَ عَنْهُ الْخَمْسِينَ الْبَاقِيَةَ، فَقَالَ: حَتَّى أَسْأَلَ رَسُولَ اللَّهِ ﷺ، فَأَتَى النَّبِيَّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! إِنَّ أَبِي أَوْصَى بِعِتْقِ مِائَةِ رَقَبَةٍ، وَإِنَّ هِشَامًا أَعْتَقَ عَنْهُ خَمْسِينَ وَبَقِيََتْ عَلَيْهِ خَمْسُونَ رَقَبَةً، أَفَأَعْتِقُ عَنْهُ؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهُ لَوْ كَانَ مُسْلِمًا فَأَعْتَقْتُمْ عَنْهُ، أَوْ تَصَدَّقْتُمْ عَنْهُ، أَوْ حَجَّجْتُمْ عَنْهُ، بَلَغَهُ ذَلِكَ».

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٧٩/٦ من حديث العباس بن الوليد، وأحمد: ٢/

١٨١ من حديث عمرو بن شعيب به.

Comments:

Such good deeds done on their behalf by their descendants, will only benefit the Muslims after their death.

Chapter 17. What Has Been Related About A Man Who Dies And Leaves Behind A Debt, And He Has What Will Fulfill The Debt, The Creditors Will Be Asked To Defer Repayment For A While, And The Heirs Should Be Treated with Leniency

(المعجم ١٧) - بَابُ مَا جَاءَ فِي الرَّجُلِ يَمُوتُ وَعَلَيْهِ دَيْنٌ وَلَهُ وَقَاءٌ يُسْتَنْظَرُ غُرْمَاؤُهُ وَيُرْفَقُ بِالْوَارِثِ (التحفة ١٧)

2884. It was reported from Jābir bin ‘Abdullāh who said that his father died and left a debt he had with a Jew for thirty *Wasq*. Jābir requested him to defer payment for a while but he refused, so Jābir requested the Messenger of Allāh ﷺ to intercede with him on his behalf. The Messenger of Allāh ﷺ came and spoke to the Jew to take dates instead of the debt that he was owed, but he refused. Then the Messenger of Allāh ﷺ spoke to him to defer it for a while, but he refused. — Then he narrated the rest of the *Hadīth*. (*Ṣaḥīh*)

٢٨٨٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ أَنَّ شُعَيْبَ بْنَ إِسْحَاقَ حَدَّثَهُمْ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ وَهْبِ بْنِ كَيْسَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّهُ أَخْبَرَهُ: أَنَّ أَبَاهُ تَوَفَّى وَتَرَكَ عَلَيْهِ ثَلَاثِينَ وَسَقًا لِرَجُلٍ مِنَ الْيَهُودِ، فَاسْتَنْظَرَهُ جَابِرٌ فَأَبَى، فَكَلَّمَ جَابِرٌ رَسُولَ اللَّهِ ﷺ أَنْ يَشْفَعَ لَهُ إِلَيْهِ، فَجَاءَ رَسُولُ اللَّهِ ﷺ فَكَلَّمَ الْيَهُودِيَّ لِيَأْخُذَ ثَمَرَ نَخْلِهِ بِالَّذِي لَهُ عَلَيْهِ، فَأَبَى عَلَيْهِ، وَكَلَّمَهُ رَسُولُ اللَّهِ ﷺ أَنْ يُنْظَرَهُ فَأَبَى، وَسَاقَ الْحَدِيثَ.

تخريج: أخرجه البخاري، الاستقراض، باب: إذا قاص أو جازفه في الدين تمرًا بتمر أو غيره، ح: ٢٣٩٦ من حديث هشام بن عروة به.

Comments:

Outstanding debts of the deceased person must be paid at the first possible opportunity. Interceding in such matters on behalf of the descendents is a desirable act.

The End of the Book of Wills

In the Name of Allāh,
Most Gracious, Most Merciful.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

18. The Book Of Inheritance

(المعجم ١٨) - أَوَّلُ كِتَابِ الْفَرَائِضِ
(التحفة ١٣)

Chapter 1. What Has Been Related About Teaching The Knowledge Of Inheritance

(المعجم ١) - بَابُ مَا جَاءَ فِي تَعْلِيمِ
الْفَرَائِضِ (التحفة ١)

2885. It was reported from ‘Abdullāh bin ‘Amr bin Al-‘Ās, that the Messenger of Allāh ﷺ said: “Knowledge is in three categories; and whatever is beyond that is considered a surplus: A *Muḥkam* Verse; an established *Sunnah*, and justice with inheritance.” (*Da‘īf*)

٢٨٨٥ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بْنِ السَّرْحِ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ زِيَادٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ رَافِعٍ التَّنُوخِيِّ، عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو بْنِ الْعَاصِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «الْعِلْمُ ثَلَاثَةٌ وَمَا سِوَى ذَلِكَ فَهُوَ فَضْلٌ: آيَةٌ مُحْكَمَةٌ، أَوْ سُنَّةٌ قَائِمَةٌ، أَوْ فَرِيضَةٌ عَادِلَةٌ».

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، المقدمة، باب اجتناب الرأي والقياس، ح: ٥٤ من حديث عبدالرحمن بن زياد الإفريقي به، وهو ضعيف كما تقدم: ٥١٤، ٦٢ وللحديث شواهد ضعيفة.

Chapter 2. Regarding *Al-Kalālah*

(المعجم ٢) - بَابُ: فِي الْكَلَالَةِ (التحفة ٢)

2886. It was reported from Ibn Munkadir, that he heard Jābir saying: “I became ill, so the Prophet ﷺ came to visit me with Abū Bakr on foot. I was unconscious and I could not speak to him. He performed *Wuḍū’* and sprinkled water on me, and I became conscious. I said: ‘O Messenger of Allāh! What am I

٢٨٨٦ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ قَالَ: حَدَّثَنَا سُفْيَانُ قَالَ: سَمِعْتُ ابْنَ الْمُنْكَدِرِ أَنَّهُ سَمِعَ جَابِرًا يَقُولُ: مَرِضْتُ فَأَتَانِي النَّبِيُّ ﷺ يَعُودُنِي هُوَ وَأَبُو بَكْرٍ، مَا شَيْئِينَ، وَقَدْ أَغْمِيَ عَلَيَّ فَلَمْ أَكَلِّمُهُ فَتَوَضَّأَ وَصَبَّهُ عَلَيَّ، فَأَفَقْتُ فَقُلْتُ: يَا رَسُولَ اللَّهِ! كَيْفَ أَصْنَعُ فِي مَالِي وَلِي أَخَوَاتٍ؟ قَالَ: فَزَلْتَ آيَةَ الْوِثَارَةِ:

supposed to do with my wealth, as I have sisters?" He said: "Then Allāh revealed the Verse about inheritance: They ask you for a legal verdict. Say: "Allāh directs (thus) about *Al-Kalālah*."^[1]
(*Ṣaḥīh*)

﴿يَسْأَلُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ﴾
[النساء: ١٧٦].

تخريج: أخرجه البخاري، الفرائض، وباب قول الله تعالى: ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ لِلذَّكَرِ مِثْلُ حَظِّ الْأُنثَىٰ﴾ إلخ، ح: ٦٧٢٣ ومسلم، الفرائض، باب ميراث الكلالة، ح: ١٦١٦ من حديث سفيان بن عيينة به، وهو في مسند أحمد: ٣٠٧/٣.

Comments:

Kalālah refers to the case of a deceased person who leaves behind neither ascendants (parents) nor descendants (children) in the direct line, regardless of whether he has or does not have other relations.

Chapter 3. A Person Who Has No Son But He Has Sisters

2887. It was reported from Abū Az-Zubair, from Jābir, who said: "I became ill and I had seven sisters. The Messenger of Allāh ﷺ visited me and blew on my face. I became conscious, and said: 'O Messenger of Allāh! Can I will one third of my property to my sisters?' He replied: 'Make it better' I said: 'One half?' He replied: 'Make it better.' Then he left me and went away. Then he said: 'O Jābir! I do not see you dying from this illness? And Allāh has revealed, and He described the shares of your sisters, Allāh has allocated two thirds for them.'" Jābir used to say: "This verse was revealed on me: "They ask you for a legal verdict. Say: "Allāh directs (thus) about *Al-Kalālah*."^[2]

(المعجم ٣) - بَابُ مَنْ كَانَ لَيْسَ لَهُ وَلَدٌ
وَلَهُ أَخَوَاتٌ (التحفة ٣)

٢٨٨٧ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ:
حَدَّثَنَا كَثِيرُ بْنُ هِشَامٍ قَالَ: حَدَّثَنَا هِشَامٌ يَعْنِي
الدَّسْتَوَائِيَّ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ:
اشْتُكَيْتُ وَعِنْدِي سَبْعُ أَخَوَاتٍ فَدَخَلَ عَلَيَّ
رَسُولُ اللَّهِ ﷺ فَفَتَحَ فِي وَجْهِهِ فَأَقَفْتُ
فَقُلْتُ: يَا رَسُولَ اللَّهِ! أَلَا أُوصِي لِأَخَوَاتِي
بِالثُلُثِ؟ قَالَ: «أَحْسِنُ»، قُلْتُ: الشُّطْرُ؟
قَالَ: «أَحْسِنُ»، ثُمَّ خَرَجَ وَتَرَكَنِي فَقَالَ:
«يَا جَابِرُ! لَا أَرَاكَ مَيِّتًا مِنْ وَجَعِكَ هَذَا؟ وَإِنَّ
اللَّهَ قَدْ أَنْزَلَ قَبِينَ الَّذِي لِأَخَوَاتِكَ، فَجَعَلَ
لَهُنَّ الثُّلُثَيْنِ». قَالَ: فَكَانَ جَابِرٌ يَقُولُ:
أُنْزِلَتْ فِي هَذِهِ الْآيَةِ: ﴿يَسْأَلُونَكَ قُلِ اللَّهُ
يُفْتِيكُمْ فِي الْكَلَالَةِ﴾ [النساء: ١٧٦].

[1] *An-Nisā'* 4:176.

[2] *An-Nisā'* 4:176.

تخريج: [صحيح] أخرجه أحمد: ٣/٣٧٢ عن كثير بن هشام به ورواه النسائي في الكبرى، ح: ٦٣٢ من حديث هشام الدستوائي به * أبو الزبير عنن وللحديث شواهد كثيرة منها الحديث السابق.

2888. It was reported from Shu'bah, from Abū Ishāq, from Al-Barā' bin 'Āzib who said: "The last Verse revealed was about *Kalālah*: 'They ask you for a legal verdict. Say: Allāh directs (thus) about *Al-Kalālah*.'" ^[1] (*Ṣaḥīḥ*)

٢٨٨٨ - حَدَّثَنَا مُسْلِمٌ بْنُ أَبِرَاهِيمَ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: آخِرُ آيَةٍ نَزَلَتْ فِي الْكَلَالَةِ: ﴿يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ﴾ [النساء: ١٧٦].

تخريج: أخرجه البخاري، التفسير، سورة النساء، باب: ﴿يَسْتَفْتُونَكَ قُلِ اللَّهُ يُفْتِيكُمْ فِي الْكَلَالَةِ...﴾ إلخ، ح: ٤٦٠٥ ومسلم، الفرائض، باب آخر آية أنزلت آية الكلاله، ح: ١٦١٨ من حديث شعبة به.

2889. It was reported from Abū Bakr, from Abū Ishāq, from Al-Barā' bin 'Āzib who said: "A man came to the Prophet ﷺ and said: 'O Messenger of Allāh! They ask you for a legal verdict about *Al-Kalālah* — what is *Al-Kalālah*?' He replied: 'The Verse revealed in summer is sufficient for you.'" I asked Abū Ishāq: "Does it mean the one who dies and did not leave behind a son or father. He replied: 'That is it, that is what they used to think.'" (*Ḥasan*)

٢٨٨٩ - حَدَّثَنَا مَنْصُورٌ بْنُ أَبِي مُرَاجِمٍ قَالَ: حَدَّثَنَا أَبُو بَكْرٍ عَنْ أَبِي إِسْحَاقَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: جَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! يَسْتَفْتُونَكَ فِي الْكَلَالَةِ فَمَا الْكَلَالَةُ؟ قَالَ: «تُجْرُوكَ آيَةُ الصَّيْفِ». قُلْتُ لِأَبِي إِسْحَاقَ: هُوَ مَنْ مَاتَ وَلَمْ يَدَعْ وَلَدًا وَلَا وَالِدًا. قَالَ: كَذَلِكَ، ظَنُّوا أَنَّهُ كَذَلِكَ.

تخريج: [حسن] أخرجه الترمذي، تفسير القرآن، باب: ومن سورة النساء، ح: ٣٠٤٢ من حديث أبي بكر بن عياش به، وهو ضعيف وللحديث شواهد عند مسلم، ح: ١٦١٧ وغيره.

Chapter 4. What Has Been Related About The Inheritance For Descendants

(المعجم ٤) - بَابُ مَا جَاءَ فِي مِيرَاثِ الصُّلْبِ (التحفة ٤)

2890. It was reported from Huzail bin Shurahbīl Al-Awdī who said: "A man came to Abū Mūsā Al-Ash'arī

٢٨٩٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَامِرٍ بْنُ زُرَّارَةَ قَالَ: حَدَّثَنَا عَلِيُّ بْنُ مُسْهِرٍ عَنْ

[1] *An-Nisā'* 4:176.

and Salmān bin Rabī'ah and asked them about (the case where a person dies and leaves behind) a daughter, a son's daughter, and a sister from the father and the mother. They replied: 'His daughter gets half, and the sister from the father and mother gets half' — and they did not allot any inheritance to the son's daughter — 'Go to Ibn Mas'ūd and you will see that he agrees with me.' So the man came to him and asked him, and told him of their saying. He replied: 'I would be misguided then, not among those who are guided. Rather, I am going to decide on the matter according to the decision of the Messenger of Allāh ﷺ: For the daughter; half, and the son's daughter gets one share, which completes two-thirds, and what remains goes to the sister from the father and the mother.'

(*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الفرائض، باب ميراث ابنة ابن مع ابنة، ح: ٦٧٣٦ من حديث أبي

قيس الأودي به.

Comments:

The reply given by 'Abdullāh bin Mas'ūd is based on what is known as the Verse of Inheritance that reads: If (there are) women (only daughters), two or more, their share is two-thirds of the inheritance (*An-Nisā'* 4:11). Thus, once a single daughter has been given one-half of the inheritance, what the granddaughter gets is only one-sixth of the share. They will thus both complete the share meant for two daughters.

2891. It was reported from 'Abdullāh bin Muḥammad bin 'Aqīl, from Jābir bin 'Abdullāh, who said: "We went out with the Messenger of Allāh ﷺ until we came to a woman from the *Anṣār* in *Al-Aswāf*.^[1] The woman came

الأغمش، عن أبي قيس الأودي، عن هُزَيْلِ بْنِ شَرْحَبِيلِ الأودي قال: جَاءَ رَجُلٌ إِلَى أَبِي مُوسَى الأَشْعَرِيِّ وَسَلْمَانَ بْنِ رَبِيعَةَ، فَسَأَلَهُمَا عَنْ ابْنَةٍ وَابْنَةِ ابْنٍ وَأُخْتٍ لِأَبٍ وَأُمٍّ، فَقَالَ: لِابْنَتِهِ النِّصْفُ وَلِلْأُخْتِ مِنَ الْأَبِ وَالْأُمِّ النِّصْفُ - وَلَمْ يُوَرِّثْنَا ابْنَتَ الْإِبْنِ شَيْئًا - وَابْنُ ابْنٍ مَسْعُودٌ فَإِنَّهُ سَيَبَاعُ، فَأَتَاهُ الرَّجُلُ، فَسَأَلَهُ، وَأَخْبَرَهُ بِقَوْلِهِمَا. فَقَالَ: لَقَدْ ضَلَلْتُ إِذَا وَمَا أَنَا مِنَ الْمُهْتَدِينَ، وَلَكِنِّي سَأَفْضِي فِيهَا بِقَضَاءِ رَسُولِ اللَّهِ ﷺ: لِابْنَتِهِ النِّصْفُ، وَلِابْنَةِ الْإِبْنِ سَهْمٌ تَكْمِلَةُ الثَّلَاثِينَ، وَمَا بَقِيَ فَلِلْأُخْتِ مِنَ الْأَبِ وَالْأُمِّ.

٢٨٩١ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا بِشْرُ

ابْنِ الْمُفَضَّلِ قَالَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ ابْنُ عَقِيلٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ حَتَّى جِئْنَا امْرَأَةً مِنَ

^[1] Meaning, the *Harām* of Al-Madīnah.

with her two daughters, and said: 'O Messenger of Allāh! These two are the daughters of Thābit bin Qais who was killed in the battle of Uhud where he was with you, and their paternal uncle has taken all their property and inheritance and did not leave anything behind for them at all. What do you say about it, O Messenger of Allāh! By Allāh! They cannot get married unless they have some property.' The Messenger of Allāh ﷺ replied: 'Allāh will decide about that.'" He said: "Then (the Verse of) *Sūrat An-Nisā'* was revealed: 'Allāh commands you as regards your children's (inheritance)' until the end of the Verse.^[1] The Messenger of Allāh ﷺ said: 'Call the woman and her husband's brother for me,' then he said to their paternal uncle: 'Give them two-thirds, and give their mother one-eighth, and whatever remains is yours.'" (*Da'if*)

Abū Dāwud said: Bishr (one of the narrators) made a mistake, they were the daughters of Sa'd bin Rabī'. Thābit bin Qais was killed in the battle of Al-Yamāmah.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الفرائض، باب ما جاء في ميراث البنات، ح: ٢٠٩٢ وابن ماجه، ح: ٢٧٢٠ من حديث ابن عقيل به وقال الترمذي: "حسن صحيح" وصححه الحاكم: ٣٣٣/٤، ٣٣٤ ووافقه الذهبي * ابن عقيل ضعيف، تقدم: ١٢٦.

Comments:

To arrive at the correct distribution formula in this case the inheritance is divided into 24 shares: 16 shares (two-thirds) shall go to the daughters, 3 shares (1/8) to the wife, and the remaining 5 shares shall go to the uncle.

الْأَنْصَارِ فِي الْأَسْوَافِ فَجَاءَتِ الْمَرْأَةُ بِابْنَتَيْنِ لَهَا فَقَالَتْ: يَا رَسُولَ اللَّهِ! هَاتَانِ ابْنَتَا ثَابِتِ بْنِ قَيْسٍ قُتِلَ مَعَكَ يَوْمَ أُحُدٍ وَقَدْ اسْتَفَاءَ عَمَّهُمَا مَالَهُمَا وَمِيرَاثَهُمَا كُلَّهُ وَلَمْ يَدَعْ لَهُمَا مَالًا إِلَّا أَخَذَهُ، فَمَا تَرَى يَا رَسُولَ اللَّهِ؟ فَوَ اللَّهِ! لَا تُنْكَحَانِ أَبَدًا إِلَّا وَلَهُمَا مَالٌ. فَقَالَ رَسُولُ اللَّهِ ﷺ: «يَقْضِي اللَّهُ فِي ذَلِكَ». قَالَ: وَنَزَلَتْ سُورَةُ النِّسَاءِ: ﴿يُوصِيكُمُ اللَّهُ فِي أَوْلَادِكُمْ﴾ الْآيَةُ [النساء: ١١]. فَقَالَ رَسُولُ اللَّهِ ﷺ: «ادْعُوا لِي الْمَرْأَةَ وَصَاحِبَهَا»، فَقَالَ لِعَمَّهُمَا: أُعْطِيَهُمَا الثُّلُثَيْنِ وَأَعْطِ أُمَّهُمَا الثُّمْنَ وَمَا بَقِيَ فَلَكِ».

قَالَ أَبُو دَاوُدَ: أَخْطَأَ بِشْرُ فِيهِ، إِنَّمَا هُمَا ابْنَتَا سَعْدِ بْنِ الرَّبِيعِ. وَثَابِتُ بْنُ قَيْسٍ، قُتِلَ يَوْمَ الْيَمَامَةِ.

[1] *An-Nisā'*: 4:11.

2892. (Another chain) from ‘Abdullāh bin Muḥammad bin ‘Aqīl, from Jābir bin ‘Abdullāh who said: “The wife of Sa’d bin Rabī’ said: ‘O Messenger of Allāh! Sa’d died and left behind two daughters...” Then he cited similarly. (*Da’if*)

Abū Dāwud said: This (chain) is more correct.

٢٨٩٢ - حَدَّثَنَا ابْنُ السَّرْحِ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: أَخْبَرَنِي دَاوُدُ بْنُ قَيْسٍ وَغَيْرُهُ مِنْ أَهْلِ الْعِلْمِ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ بْنِ عَقِيلٍ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ: أَنَّ امْرَأَةَ سَعْدِ ابْنِ الرَّبِيعِ قَالَتْ: يَا رَسُولَ اللَّهِ! إِنَّ سَعْدًا هَلَكَ وَتَرَكَ ابْنَتَيْنِ وَسَاقَ نَحْوَهُ. قَالَ أَبُو دَاوُدَ: هَذَا هُوَ أَصَحُّ.

تخريج: [إسناده ضعيف] انظر الحديث السابق وأخرجه البيهقي: ٢٢٩/٦ من حديث أبي داود به.

Comments:

Sisters co-existing with daughters (i.e. by the joining of real or consanguine sisters with daughters or granddaughters), become ‘residuary’ (*Aṣabah*) together with the daughters. If a single daughter or sister is the legatee (heir), she gets one-half of the inheritance. The daughter gets half of the asset as her prescribed share, while the sister of the deceased gets it as an *Aṣabah*. If the number of the daughters is two or more, who get two-thirds of inheritance, the sister (or sisters) get (or share) the remaining one-third of the property.

2893. It was reported from Al-Aswad bin Yazid that Mu’adh bin Jabal distributed the shares of inheritance to a sister and a daughter. He gave each one of them one-half. He was at that time in Yemen, while the Prophet of Allāh ﷺ was alive. (*Ṣaḥīḥ*)

٢٨٩٣ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ قَالَ: حَدَّثَنَا أَبَانُ قَالَ: حَدَّثَنَا قَتَادَةُ قَالَ: حَدَّثَنِي أَبُو حَسَّانَ عَنِ الْأَسْوَدِ بْنِ يَزِيدَ: أَنَّ مُعَاذَ بْنَ جَبَلٍ وَرَثَ أُخْتًا وَابْنَةً، فَجَعَلَ لِكُلِّ وَاحِدَةٍ مِنْهُمَا النِّصْفَ وَهُوَ بِالْيَمَنِ وَنَبِيُّ اللَّهِ ﷺ يَوْمَئِذٍ حَيٌّ.

تخريج: [إسناده صحيح] أخرجه البخاري، الفرائض، باب ميراث البنات، ح: ٦٧٣٤ من طريق آخر عن الأسود بن يزيد به.

Chapter 5. Regarding The Grandmother

2894. It was reported from Qabīṣah bin Dhu’aib who said: “A grandmother came to Abū Bakr, may Allāh be pleased with him,

(المعجم ٥) بَابُ: فِي الْجَدَّةِ (التحفة ٥)

٢٨٩٤ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُثْمَانَ بْنِ إِشْحَاقَ بْنِ خَرَشَةَ، عَنْ قَيْصَةَ بْنِ دُوَيْبٍ أَنَّهُ قَالَ:

asking him about her share of inheritance. He replied. 'There is nothing prescribed for you in the Book of Allāh, and I do not know of anything for you in the *Sunnah* of Allāh's Prophet ﷺ. Go back, until I ask the people about it.' Then he asked the people about it. Al-Mughīrah bin Shu'bah said: 'I was with the Messenger of Allāh ﷺ and he gave her one-sixth.' Abū Bakr said: 'Do you have anybody else with you (to testify)?' Muḥammad bin Maslamah stood up and said the same as what Al-Mughīrah bin Shu'bah had said, so Abū Bakr implemented it for her. Then another grandmother came to 'Umar bin Al-Khaṭṭāb asking about her inheritance. He said: 'There is nothing prescribed for you in the Book of Allāh, and the decision made before you for a grandmother was for other than you. I am not going to add anything in the shares of inheritance, but it is only one-sixth. If the two of you remain together then you share it, and whichever of you two is left alone, then it is for her.'" (*Ṣaḥīḥ*)

جَاءَتِ الْجَدَّةُ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ رَضِيَ اللَّهُ عَنْهُ تَسْأَلُهُ مِيرَاثَهَا، فَقَالَ: مَا لَكَ فِي كِتَابِ اللَّهِ شَيْءٌ، وَمَا عَلِمْتُ لَكَ فِي سُنَّةِ نَبِيِّ اللَّهِ ﷺ شَيْئًا، فَارْجِعِي حَتَّى أَسْأَلَ النَّاسَ، فَسَأَلَ النَّاسَ، فَقَالَ الْمُغِيرَةُ بْنُ شُعْبَةَ: حَضَرْتُ رَسُولَ اللَّهِ ﷺ أُعْطَاهَا السُّدُسُ، فَقَالَ أَبُو بَكْرٍ: هَلْ مَعَكَ غَيْرُكَ؟ فَقَامَ مُحَمَّدُ بْنُ مَسْلَمَةَ فَقَالَ مِثْلَ مَا قَالَ الْمُغِيرَةُ بْنُ شُعْبَةَ، فَأَنْفَذَهُ لَهَا أَبُو بَكْرٍ رَضِيَ اللَّهُ عَنْهُ. ثُمَّ جَاءَتِ الْجَدَّةُ الْأُخْرَى إِلَى عُمَرَ بْنِ الْخَطَّابِ تَسْأَلُهُ مِيرَاثَهَا، فَقَالَ: مَا لَكَ فِي كِتَابِ اللَّهِ شَيْءٌ وَمَا كَانَ الْقَضَاءُ الَّذِي قُضِيَ بِهِ إِلَّا لِغَيْرِكَ وَمَا أَنَا بِرَائِدٍ فِي الْفَرَائِضِ وَلَكِنْ هُوَ ذَلِكَ السُّدُسُ، فَإِنْ اجْتَمَعْتُمَا فِيهِ فَهُوَ بَيْنَكُمَا وَإِثْنُكُمَا مَا خَلَّتْ بِهِ فَهُوَ لَهَا.

تخريج: [صحيح] أخرجه ابن ماجه، الفرائض، باب ميراث الجدة، ح: ٢٧٢٤ من حديث مالك به وهو في الموطأ (يحيى): ٥١٣/٢ ورواه الترمذي، ح: ٢١٠١ من طريق آخر عن قبيصة به وقال: "حسن صحيح" وصححه ابن الجارود، ح: ٩٥٩ وابن حبان: ١٢٢٤ والحاكم على شرط الشيخين: ٣٣٨/٤ ووافقه الذهبي، انظر التلخيص الحبير: ٨٢/٣ والحديث الآتي * قبيصة صحابي ومراسيل الصحابة مقبولة على الراجح.

Comments:

The Arabic word *Jiddah* applies to both, paternal and maternal grandmothers who get one-sixth portion of the inheritance.

2895. It was reported from Ibn Buraidah, from his father that the Prophet ﷺ gave one sixth to a grandmother if there is no mother left to inherit before her. (*Hasan*)

٢٨٩٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ الْعَزِيزِ بْنِ أَبِي رِزْمَةَ قَالَ: أَخْبَرَنِي أَبِي قَالَ: حَدَّثَنَا عُبَيْدُ اللَّهِ أَبُو الْمُنِيبِ الْعَتَكِيُّ عَنْ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ: أَنَّ النَّبِيَّ ﷺ جَعَلَ لِلْجَدَّةِ السُّدُسَ إِذَا لَمْ تَكُنْ دُونَهَا أُمًّا.

تخريج: [إسناده حسن] أخرجه النسائي في الكبرى، ح: ٦٣٣٨ من حديث أبي المنيب به، وصححه ابن الجارود، ح: ٩٦٠.

Chapter 6. What Has Been Related About The Grandfather's Inheritance

(المعجم ٦) - بَابُ مَا جَاءَ فِي مِيرَاثِ الْجَدِّ (التحفة ٦)

2896. It was reported from Qatādah, from Al-Ḥasan, from 'Imrān bin Ḥuṣain, that a man came to the Prophet ﷺ and said: "My son's son has died, what do I get from his estate?" He said: "You will get one-sixth." When he started to go away, he called him, and said: "You also have another sixth." When he started to go away again, he called him, and said: "The other one-sixth is for food (*Tu'mah*)."

٢٨٩٦ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ قَالَ: أَخْبَرَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ عِمْرَانَ بْنِ حُصَيْنٍ: أَنَّ رَجُلًا أَتَى النَّبِيَّ ﷺ فَقَالَ: إِنَّ ابْنَ ابْنِي مَاتَ فَمَا لِي مِنْ مِيرَاثِهِ؟ قَالَ: «لَكَ السُّدُسُ»، فَلَمَّا أَذْبَرَ دَعَاهُ فَقَالَ: «لَكَ سُدُسٌ آخَرُ»، فَلَمَّا أَذْبَرَ دَعَاهُ فَقَالَ: «إِنَّ السُّدُسَ الْآخَرَ طُعْمَةٌ»، قَالَ قَتَادَةُ: فَلَا يَذْرُونَ مَعَ أَيِّ شَيْءٍ وَرَثَتُهُ، قَالَ قَتَادَةُ: أَقْلُ شَيْءٍ وَرِثَ الْجَدُّ السُّدُسَ.

Qatādah said: "They (the Companions) did not know the heirs with whom he was given (one-sixth)."

Qatādah said: "The minimum share given to a grandfather is one-sixth."

تخريج: [إسناده ضعيف] أخرجه الترمذي، الفرائض، باب ما جاء في ميراث الجد، ح: ٢٠٩٩ من حديث همام به وقال: "حسن صحيح" وصححه ابن الجارود، ح: ٩٦١ * قتادة والحسن: عننا وللحديث طرق ضعيفة، انظر مسند الحميدي (بتحقيقي): ٨٣٥، ٨٣٦.

2897. It was reported from Al-Hasan that ‘Umar said: “Does anybody know what the Messenger of Allāh gave to the grandfather from the estate?” Ma‘qil bin Yasār said: “I do. The Messenger of Allāh ﷺ gave him one-sixth.” He asked: “Along with whom?” He replied: “I do not know.” He said: “If you do not know, then what good is it.” (*Da‘if*)

٢٨٩٧ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ عَنْ خَالِدٍ، عَنْ يُوسُفَ، عَنْ الْحَسَنِ أَنَّ عُمَرَ قَالَ: أَيُّكُمْ يَعْلَمُ مَا وَرَّثَ رَسُولُ اللَّهِ ﷺ الْجَدَّ؟ قَالَ مَعْقِلُ بْنُ يَسَارٍ: أَنَا، وَرَّثَهُ رَسُولُ اللَّهِ ﷺ السُّدُسَ، قَالَ: مَعَ مَنْ؟ قَالَ: لَا أَذْرِي، قَالَ: لَا دَرَيْتَ فَمَا تُغْنِي إِذَا.

تخريج: [إسناده ضعيف] وأخرجه ابن ماجه، الفرائض، باب فرائض الجد، ح: ٢٧٢٣ من حديث يونس به، وسنده ضعيف وقال المنذري: "حديث الحسن عن عمر منقطع"، والحديث السابق، ح: ٢٨٩٥ يغني عنه.

Chapter 7. Regarding The Inheritance For *Al-‘Aṣabah*^[1]

(المعجم ٧) **بَابُ: فِي مِيرَاثِ الْعَصَبَةِ**
(التحفة ٧)

2898. Ibn ‘Abbās narrated the Messenger of Allāh ﷺ as saying: “Divide the wealth among the heirs according to the Book of Allāh, then whatever inheritance remains, goes to the nearest male heir.” (*Ṣaḥīḥ*)

٢٨٩٨ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ وَمَخْلَدُ بْنُ خَالِدٍ - وَهَذَا حَدِيثُ مَخْلَدٍ وَهُوَ أَشْبَعُ - قَالَا: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ ابْنِ طَاوُسٍ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اقْسِمَ الْمَالُ بَيْنَ أَهْلِ الْفَرَائِضِ عَلَى كِتَابِ اللَّهِ فَمَا تَرَكْتَ الْفَرَائِضُ فَلْأُولَى ذَكَرِ».

تخريج: أخرجه مسلم، الفرائض، باب: ألحقوا الفرائض بأهلها فما بقي فلأولى رجل ذكر، ح: ١٦١٥ من حديث عبدالرزاق، والبخاري، الفرائض، باب ميراث الولد من أبيه وأمه، ح: ٦٧٣٢ من حديث ابن طاوس به، وهو في مصنف عبدالرزاق، ح: ١٩٠٠٤.

Chapter 8. Regarding The Inheritance For Those Related Due To The Womb

(المعجم ٨) **بَابُ: فِي مِيرَاثِ ذَوِي الْأَرْحَامِ**
(التحفة ٨)

2899. It was reported from Al-Miqdām who said: “The Messenger of Allāh ﷺ said: ‘Whoever leaves

٢٨٩٩ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ قَالَ: حَدَّثَنَا شُعْبَةُ عَنْ بُذَيْلٍ، عَنْ عَلِيِّ بْنِ أَبِي

[1] *Al-‘Aṣabah* refers to those who are not assigned inheritance by other regulations, but remain after the deceased while no legal heirs remain.

behind a burden, then refer it to me' — and perhaps he said: "to Allāh and to His Messenger" — "And whoever leaves wealth, then it is for his heirs. And I am the heir for the one who has none, paying blood money for him and inheriting from him, and a maternal uncle is the heir for the one who has none, paying blood money for him, and inheriting from him." (*Hasan*)

تخریج: [حسن] أخرجه ابن ماجه، الفرائض، باب ذوي الأرحام، ح: ٢٧٣٨ من حديث شعبة به، وصححه ابن حبان، ح: ١٢٢٥ وابن الجارود، ح: ٩٦٥ والحاكم على شرط الشيخين: ٣٤٤/٤ وتعقبه الذهبي وله شاهد عند ابن حبان، ح: ١٢٢٦ وسنده حسن.

2900. (Another chain) from Al-Miqdām Al-Kindī that he said: "The Messenger of Allāh ﷺ said: 'I am more worthy of every believer than himself. So whoever leaves behind a debt or dependants (*Ḍai'ah*), then refer it to me. And whoever leaves behind any wealth, it is for his family. And I am the *Mawlā* of those who have no *Mawlā*, I inherit his wealth, and fulfill his liabilities. A maternal uncle is a *Mawlā* for those who have no *Mawlā*. He inherits his wealth and fulfills his liabilities.'"^[1] (*Hasan*)

Abū Dāwud said: *Ad-Dai'ah* means dependants.

Abū Dāwud said: Az-Zubaidī reported it from Rāshid bin Sa'd, from Ibn 'Ā'idh, from Al-Miqdām. It has also been reported by Mu'āwiyah bin Ṣāliḥ from Rāshid, who said: "I heard Al-Miqdām..."

طَلْحَةَ، عَنْ رَاشِدِ بْنِ سَعْدٍ، عَنْ أَبِي عَامِرٍ الْهُوزَنِيِّ عَنِ اللَّهِ بْنِ لُحَيْيٍّ، عَنِ الْمُقْدَامِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ تَرَكَ كَلًّا فَلِإِيَّيَّ - وَزُبَيْمًا قَالَ: «إِلَى اللَّهِ وَإِلَى رَسُولِهِ» - «وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِي، وَأَنَا وَارِثُ مَنْ لَا وَارِثَ لَهُ، أَغْفِلُ لَهُ وَارِثُهُ، وَالْخَالَ وَارِثُ مَنْ لَا وَارِثَ لَهُ، يَغْفِلُ عَنْهُ وَيَرِثُهُ».

٢٩٠٠ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ فِي آخَرِينَ قَالُوا: حَدَّثَنَا حَمَّادٌ عَنْ بُذَيْلٍ يَعْنِي ابْنَ مَيْسَرَةَ، عَنْ عَلِيِّ بْنِ أَبِي طَلْحَةَ، عَنْ رَاشِدِ بْنِ سَعْدٍ، عَنْ أَبِي عَامِرٍ الْهُوزَنِيِّ، عَنِ الْمُقْدَامِ الْكِنْدِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَنَا أَوْلَى بِكُلِّ مُؤْمِنٍ مِنْ نَفْسِهِ، فَمَنْ تَرَكَ دَيْنًا أَوْ ضَيْعَةً فَلِإِيَّيَّ، وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِي، وَأَنَا مَوْلَى مَنْ لَا مَوْلَى لَهُ، ارِثُ مَالَهُ وَأَفْكُ عَانَهُ، وَالْخَالَ مَوْلَى مَنْ لَا مَوْلَى لَهُ، يَرِثُ مَالَهُ وَيَفْكُ عَانَهُ».

قَالَ أَبُو دَاوُدَ: الضَّيْعَةُ مَعْنَاهُ عِيَالٌ.

قَالَ أَبُو دَاوُدَ: رَوَاهُ الزُّبَيْدِيُّ عَنْ رَاشِدِ بْنِ سَعْدٍ، عَنْ ابْنِ عَائِدٍ، عَنِ الْمُقْدَامِ. وَرَوَاهُ مُعَاوِيَةُ بْنُ صَالِحٍ عَنْ رَاشِدٍ قَالَ: سَمِعْتُ الْمُقْدَامَ.

[1] See no. 2954.

تخريج: [حسن] انظر الحديث السابق وأخرجه البيهقي: ٢١٤/٦ من حديث أبي داود به.

2901. It was reported from Ṣāliḥ bin Yaḥyā bin Al-Miqdām, from his father, from his grandfather who said: “I heard the Messenger of Allāh ﷺ saying: ‘I am the heir of the one who has no heir, I fulfill his liabilities, and I inherit from him. And a maternal uncle is the heir of the one who has no heir, fulfilling his liabilities, and inheriting his wealth.’” (*Hasan*)

٢٩٠١ - حَدَّثَنَا عَبْدُ السَّلَامِ بْنُ عَتِيْقٍ الدَّمَشَقِيُّ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ الْمُبَارَكِ قَالَ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ عِيَّاشٍ عَنْ يَزِيدَ بْنِ حُجْرٍ، عَنْ صَالِحِ بْنِ يَحْيَى بْنِ الْمِقْدَامِ، عَنْ أَبِيهِ، عَنْ جَدِّهِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «أَنَا وَارِثُ مَنْ لَا وَارِثَ لَهُ، أَفْكُ عُنَيْهِ وَارِثُ مَالِهِ، وَالْحَالُ وَارِثُ مَنْ لَا وَارِثَ لَهُ، يَفْكُ عُنَيْهِ وَيَرِثُ مَالَهُ».

تخريج: [حسن] انظر، ح: ٢٨٩٩ وأخرجه البيهقي: ٢١٤/٦ من حديث أبي داود به.

Comments:

These and similar narrations appear again, see no. 2954. Scholars differ over whether this responsibility is specific to the Messenger of Allāh ﷺ or does it apply to the leaders after him. According to Al-Ḥāfiẓ Ibn Ḥajar, it also applies to the leaders after him.

2902. It was reported from ‘Āishah, who said: “A freed slave of the Prophet ﷺ died and left something behind, and he did not leave any child nor any relative, so the Messenger of Allāh ﷺ said: ‘Give his wealth to a man belonging to his village.’” (*Hasan*)
Abū Dāwud said: The *Ḥadīth* of Sufyān is more complete. And Musad-dad said:^[1] “He said: ‘The Prophet ﷺ said: “Is there anybody here belonging to his land?” They replied: “Yes.” He said: “Then give him his inheritance.”’

٢٩٠٢ - حَدَّثَنَا مُسَدَّدٌ قَالَ: حَدَّثَنَا يَحْيَى قَالَ: حَدَّثَنَا شُعْبَةُ، الْمَعْنَى؛ ح: وَحَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: حَدَّثَنَا وَكِيعُ بْنُ الْجَرَّاحِ عَنْ سُفْيَانَ جَمِيعًا، عَنْ ابْنِ الْأَصْبَهَانِيِّ، عَنْ مُجَاهِدِ بْنِ وَرْدَانَ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ: أَنَّ مَوْلَى لِلنَّبِيِّ ﷺ مَاتَ وَتَرَكَ شَيْئًا وَلَمْ يَدَعْ وَلَدًا وَلَا حَمِيمًا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَعْطُوا مِيرَاثَهُ رَجُلًا مِنْ أَهْلِ قَرْيَتِهِ».

قَالَ أَبُو دَاوُدَ: حَدِيثُ سُفْيَانَ أَتَمُّ، وَقَالَ مُسَدَّدٌ: قَالَ: فَقَالَ النَّبِيُّ ﷺ: هَاهُنَا أَحَدٌ مِنْ أَهْلِ أَرْضِهِ؟ قَالُوا: نَعَمْ، قَالَ: فَأَعْطُوهُ مِيرَاثَهُ.

[1] The author narrated it from two chains; one from Musad-dad reaching *Shu'bah*, and another from 'Uthmān bin Abī Shāibah, reaching Sufyān.

تخریج: [إسناده حسن] أخرجه ابن ماجه، الفرائض، باب ميراث الولاء، ح: ٢٧٣٣ من حديث وكيع به، وحسنه الترمذي، ح: ٢١٠٥.

2903. It was reported from ‘Abdullāh bin Buraidah, from his father, who said: “A man came to the Messenger of Allāh ﷺ and said: ‘I have some inheritance left by a man from Azd, and I cannot find anybody from Azd so that I can give it to him.’ He said: ‘Search for a man of Azd for a year.’ He came to him after a year, and said: ‘O Messenger of Allāh! I could not find any man from Azd so that I can give it to him.’ He replied: ‘Go and find a person from Khuzā’ah, the first person you get from them give it to him.’ When he turned away, he (the Prophet ﷺ) said: ‘Call the man for me.’ When he came back, he said: ‘Find the eldest man of Khuzā’ah and give it to him.’” (*Da’if*)

تخریج: [إسناده ضعيف] أخرجه النسائي في الكبرى، ح: ٦٣٩٦ من حديث المحاربي به، ولم يذكر فيه سماعاً، وقال النسائي: "جبريل بن أحمر ليس بالقوي والحديث منكر" والعلة فيه من عننة المحاربي فقط، وانظر الحديث الآتي.

2904. (Another chain) from Ibn Buraidah, from his father who said: “A man from Khuzā’ah died, and his estate was brought to the Prophet ﷺ, so he said: ‘Search for an heir of his, or a relation of the womb (maternal relative).’ They did not find any heir for him nor any relation of the womb. The Messenger of Allāh ﷺ said: ‘Give it to the elder of Khuzā’ah.’” (*Da’if*)
Yahyā (one of the narrators)

٢٩٠٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ الْكِنْدِيُّ قَالَ: حَدَّثَنَا الْمُحَارِبِيُّ عَنْ جَبْرِيلَ بْنِ أَحْمَرَ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: أَتَى رَسُولَ اللَّهِ ﷺ رَجُلٌ فَقَالَ: إِنَّ عِنْدِي مِيرَاثَ رَجُلٍ مِنَ الْأَزْدِ وَلَسْتُ أَجِدُ أَزْدِيًّا أَدْفَعُهُ إِلَيْهِ، قَالَ: «فَادْهَبْ فَالْتَمِسْ أَزْدِيًّا حَوْلًا». قَالَ: فَأَتَاهُ بَعْدَ الْحَوْلِ فَقَالَ: يَا رَسُولَ اللَّهِ! لَمْ أَجِدْ أَزْدِيًّا أَدْفَعُهُ إِلَيْهِ. قَالَ: «فَانْطَلِقْ فَانْظُرْ أَوَّلَ خُرَاعِي تَلْقَاهُ فَادْفَعْهُ إِلَيْهِ»، فَلَمَّا وَلَّى قَالَ: «عَلَيَّ الرَّجُلُ»، فَلَمَّا جَاءَهُ قَالَ: «انْظُرْ كُبْرَ خُرَاعَةٍ فَادْفَعْهُ إِلَيْهِ».

٢٩٠٤ - حَدَّثَنَا الْحُسَيْنُ بْنُ أَسْوَدَ الْعِجْلِيُّ: حَدَّثَنَا يَحْيَى بْنُ يَعْنَى ابْنِ آدَمَ قَالَ: حَدَّثَنَا شَرِيكٌ عَنْ جَبْرِيلَ بْنِ أَحْمَرَ أَبِي بَكْرٍ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: مَاتَ رَجُلٌ مِنْ خُرَاعَةٍ فَأَتَى النَّبِيَّ ﷺ بِمِيرَاثِهِ، فَقَالَ: «الْتَمِسُوا لَهُ وَارِثًا أَوْ ذَا رَحِمٍ»، فَلَمْ يَجِدُوا لَهُ وَارِثًا وَلَا ذَا رَحِمٍ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَعْطُوهُ الْكَبِيرَ مِنْ خُرَاعَةٍ». قَالَ يَحْيَى: قَدْ

said:^[1] "I heard him once say in this narration: 'Look for the eldest man of Khuza'ah."

سَمِعْتُهُ مَرَّةً يَقُولُ فِي هَذَا الْحَدِيثِ: «انْظُرُوا أَكْبَرَ رَجُلٍ مِنْ خُرَاعَةَ».

تخريج: [ضعيف] أخرجه أحمد: ٣٤٧/٥ والنسائي في الكبرى، ح: ٦٣٩٤ من حديث شريك القاضي به، ولم يذكر سماعاً، وهو معدود في المدلسين.

2905. It was reported from Ibn 'Abbās who said: "A man died and did not leave behind an heir except a boy slave of his whom he had freed. The Messenger of Allāh ﷺ asked: 'Does he have any heir?' They replied: 'No, except a slave of his whom he had freed.' The Messenger of Allāh ﷺ allocated the property to him." (*Hasan*)

٢٩٠٥ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا عَمْرُو بْنُ دِينَارٍ عَنْ عَوْسَجَةَ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ رَجُلًا مَاتَ وَلَمْ يَدَعْ وَارِثًا إِلَّا غَلَامًا لَهُ كَانَ أَعْتَقَهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «هَلْ لَهُ أَحَدٌ؟» قَالُوا: لَا، إِلَّا غَلَامًا لَهُ كَانَ أَعْتَقَهُ، فَجَعَلَ رَسُولُ اللَّهِ ﷺ مِيرَاثَهُ لَهُ.

تخريج: [إسناده حسن] أخرجه الترمذي، الفرائض، باب: في ميراث المولى الأسفل، ح: ٢١٠٦ وابن ماجه، ح: ٢٧٤١ من حديث عمرو بن دينار به، وقال الترمذي: "حسن" * عوسجة حسن الحديث على الراجح.

Chapter 9. Inheritance For The Child In The Case Of *Li'ān*^[2]

(المعجم ٩) - بَابُ مِيرَاثِ ابْنِ الْمَلَاعِنَةِ
(الحفظة ٩)

2906. It was reported from Wāthilah bin Al-Asqa' from the Prophet ﷺ who: "A woman can inherit from the following three: One she has freed, a foundling she found, and her child about whom the *Li'ān* was invoked." (*Da'if*)

٢٩٠٦ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ حَرْبٍ: حَدَّثَنِي عَمْرُو بْنُ رُوَبَةَ التَّغْلِبِيُّ عَنْ عَبْدِ الْوَاحِدِ بْنِ عَبْدِ اللَّهِ النَّصْرِيُّ، عَنْ وَائِلَةَ بْنِ الْأَسْقَعِ عَنِ النَّبِيِّ ﷺ قَالَ: «الْمَرْأَةُ تُحْرَرُ ثَلَاثَةً مَوَارِيثَ: عَقِيقَهَا وَلَقِيطَهَا وَوَلَدَهَا الَّذِي لَاعَنَتْ عَلَيْهِ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، الفرائض، باب ما جاء ما يرث النساء من الولاء، ح: ٢١١٥ وابن ماجه، ح: ٢٧٤٢ من حديث محمد بن حرب به وقال الترمذي: "حسن غريب" وقال البيهقي: ٢٤٠/٦ "هذا غير ثابت" وقال ابن عدي في عمر بن روبة: "إنما أنكروا

^[1] He narrated no. 2904, from *Sharik*, from *Jibril bin Ahmar* Abū Bakr, from Ibn Buraidah.

^[2] See no. 2245.

عليه أحاديثه عن عبدالواحد النصري " وضعفه الجمهور .

2907. It was reported from Makhūl, who said: "The Messenger of Allāh ﷺ assigned the inheritance of a child in the case of *Li'ān* to his mother, and to her heirs after her." (*Da'if*)

٢٩٠٧ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ وَمُوسَى ابْنُ غَامِرٍ قَالَا: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا ابْنُ جَابِرٍ: حَدَّثَنَا مَكْحُولٌ قَالَ: جَعَلَ رَسُولُ اللَّهِ ﷺ مِيرَاثَ ابْنِ الْمَلَأَةِ لِأُمِّهِ وَلِوَرَثَتِهَا مِنْ بَعْدِهَا .

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٥٩/٦ من حديث أبي داود به وقال: "حديث مكحول منقطع" فالسند ضعيف وللحديث شواهد كثيرة عند البيهقي وغيره، كلها ضعيفة.

2908. It was reported from 'Amr bin Shu'aib, from his father, from his grandfather, from the Prophet ﷺ, similarly (as no. 2907). (*Da'if*)

٢٩٠٨ - حَدَّثَنَا مُوسَى بْنُ غَامِرٍ: حَدَّثَنَا الْوَلِيدُ: أَخْبَرَنِي عِيسَى أَبُو مُحَمَّدٍ عَنِ الْعَلَاءِ ابْنِ الْحَارِثِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَنِ النَّبِيِّ ﷺ مِثْلَهُ .

تخريج: [إسناده ضعيف] أخرجه الدارمي، ح: ٣١١٩ من حديث العلاء بن الحارث به وللحديث شواهد، منها الحديث السابق.

Chapter 10. Can a Muslim Inherit From a Disbeliever?

(المعجم ١٠) بَابُ: هَلْ يَرِثُ الْمُسْلِمُ الْكَافِرُ؟ (التحفة ١٠)

2909. It was reported from Usāmah bin Zaid, from the Prophet ﷺ, that he said: "The Muslim does not inherit from the disbeliever, and the disbeliever does not inherit from the Muslim." (*Ṣaḥīḥ*)

٢٩٠٩ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ عَلِيِّ بْنِ حُسَيْنٍ، عَنْ عَمْرِو بْنِ عُثْمَانَ، عَنْ أُسَامَةَ بْنِ زَيْدٍ عَنِ النَّبِيِّ ﷺ: «لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ، وَلَا الْكَافِرُ الْمُسْلِمَ» .

تخريج: أخرجه مسلم، الفرائض، باب: لا يرث المسلم الكافر ولا يرث الكافر المسلم، ح: ١٦١٤ من حديث سفیان بن عیینة والبحاري، المغازي، باب: أين ركز النبي ﷺ الراية يوم الفتح؟ ح: ٤٢٨٢ و ٤٢٨٣ من حديث الزهري به.

2910. (Another chain) from Usāmah bin Zaid, who said: "I said: 'O Messenger of Allāh! Where are you going to stay

٢٩١٠ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنِ الزُّهْرِيِّ، عَنْ عَلِيِّ بْنِ حُسَيْنٍ، عَنْ عَمْرِو بْنِ عُثْمَانَ، عَنْ

tomorrow?" — during his *Hajj*. He replied: 'And has 'Aqīl left any house for us?' Then he said: 'We are going to descend in the *Khaif* of Banū Kinānah, the place where the Quraish swore upon disbelief.'" Meaning; Al-Muḥaṣṣab, and that was because Banū Kinānah gave their oath along with the Quraish against Banū Hāshim that they will not intermarry, nor do any business transactions with them, nor will grant them any refuge. (*Ṣaḥīḥ*)

Az-Zuhri (one of the narrators) said: "*Khaif* means a valley."

تخريج: أخرجه البخاري، الجهاد والسير، باب: إذا أسلم قوم في دارالحرب ... إلخ، ح: ٣٠٥٨ ومسلم، الحج، باب نزول الحاج بمكة وتوريث دورها، ح: ٤٤٠/١٣٥١ من حديث عبدالرزاق به وهو في مصنفه، ح: ٩٨٥١ ومسند أحمد: ٢٠٢/٥، ٢٠٣.

Comments:

This narration and its comments preceded, see no. 2010.

2911. It was reported from 'Abdullāh bin 'Amr who said: "The Messenger of Allāh ﷺ said: 'The people of two religions do not inherit (each other) at all.'" (*Hasan*)

٢٩١١ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ عَنْ حَبِيبِ الْمَعْلَمِ، عَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَتَوَارَثُ أَهْلُ مِلَّتَيْنِ شَتَى».

تخريج: [إسناده حسن] أخرجه ابن ماجه، الفرائض، باب ميراث أهل الإسلام من أهل الشرك، ح: ٢٧٣١ من حديث عمرو بن شعيب به، وصححه ابن الجارود، ح: ٩٦٧.

2912. It was reported from 'Abdullāh bin Buraidah, that two brothers (brought their) dispute to Yahyā bin Ya'mar; a Jew and a Muslim. He made the Muslim heir among them. He (Yahyā) said: "Abū Al-Aswad narrated to me, that a man narrated to him that Mu'adh said: 'I heard the Messenger of Allāh ﷺ saying:

٢٩١٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ عَمْرِو بْنِ أَبِي حَكِيمٍ الْوَاسِطِيِّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ بُرَيْدَةَ: أَنَّ أَخَوَيْنِ اخْتَصَمَا إِلَى يَحْيَى بْنِ يَعْمَرَ، يَهُودِيٌّ وَمُسْلِمٌ فَوَرَّثَ الْمُسْلِمَ مِنْهُمَا، وَقَالَ: حَدَّثَنِي أَبُو الْأَسْوَدِ أَنَّ رَجُلًا حَدَّثَهُ أَنَّ مُعَاذًا قَالَ

Islam increases (one) and does not decrease (one).” So he made the Muslim the heir. (*Da‘if*)

سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْإِسْلَامُ يَزِيدُ وَلَا يَنْقُصُ»، فَأَوْرَثَ الْمُسْلِمَ.

تخريج: [إسناده ضعيف] انظر الحديث الآتي وأخرجه البيهقي: ٢٠٥/٦، ٢٥٤، ٢٥٥ من حديث أبي داود به وقال: "هذا رجل مجهول فهو منقطع" (!) فالسند ضعيف من أجل جهالة الرجل.

2913. (Another chain) from ‘Abdullāh bin Buraidah, from Yahya bin Ya‘mar, from Abū Al-Aswad Ad-Dīlī, that the inheritance of a Jew whose heir was a Muslim was brought to Mu‘adh — (narrating it) with its meaning, from the Prophet ﷺ. (*Da‘if*)

٢٩١٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ شُعْبَةَ، عَنْ عَمْرِو بْنِ أَبِي حَكِيمٍ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ يَحْيَى بْنِ يَعْمَرَ، عَنْ أَبِي الْأَسْوَدِ الدَّلِيِّ أَنَّ مُعَاذًا أُنِيَ بِمِيرَاثِ يَهُودِيٍّ وَارِثُهُ مُسْلِمٌ، بِمَعْنَاهُ عَنِ النَّبِيِّ ﷺ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٢٣٦/٥ عن يحيى القطان به، وصححه الحاكم: ٤/٣٤٥ ووافقه الذهبي * وأبو الأسود سمعه من رجل مجهول، انظر الحديث السابق.

Chapter 11. Regarding One Who Accepts Islam Before The Distribution Of The Inheritance

(المعجم ١١) بَابُ: فِيمَنْ أَسْلَمَ عَلَى مِيرَاثٍ (التحفة ١١)

2914. It was reported from Abū Ash-Sh‘athā’, from Ibn ‘Abbās, may Allāh be pleased with him, who said: “The Prophet ﷺ said: ‘Every division (of inheritance) that was allocated according to (the rules of) *Jāhiliyyah*, stands as it is; and every division that was allocated after the advent of Islam stands according to the rules of (inheritance of) Islam.’” (*Hasan*)

٢٩١٤ - حَدَّثَنَا حَجَّاجُ بْنُ أَبِي يَعْقُوبَ: حَدَّثَنَا مُوسَى بْنُ دَاوُدَ: حَدَّثَنَا مُحَمَّدُ بْنُ مُسْلِمٍ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ أَبِي الشَّعَثَاءِ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ النَّبِيُّ ﷺ: «كُلُّ قِسْمٍ قُسِمَ فِي الْجَاهِلِيَّةِ فَهُوَ عَلَى مَا قُسِمَ، وَكُلُّ قِسْمٍ أَدْرَكَهُ الْإِسْلَامُ فَإِنَّهُ عَلَى قِسْمِ الْإِسْلَامِ».

تخريج: [إسناده حسن] أخرجه ابن ماجه، الرهون، باب قسمة الماء، ح: ٢٤٨٥ من حديث موسى بن داود به وللحديث شواهد كثيرة.

Chapter 12. Regarding *Al-Walā’*

(المعجم ١٢) بَابُ: فِي الْوَلَاءِ (التحفة ١٢)

2915. It was reported from Ibn ‘Umar, that ‘Āishah, the Mother of

٢٩١٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ قَالَ:

the Believers, may Allāh be pleased with her, wanted to buy a slave-girl so that she could free her. Her people (owners) said: "We will sell her to you on the condition that the *Walā'* (right of inheriting from her) will be ours." She mentioned it to the Messenger of Allāh ﷺ. He said: 'That should not prevent you, for the *Walā'* is for whoever freed (the slave).'" (*Ṣaḥīḥ*)

فُرِيَ عَلَى مَالِكٍ وَأَنَا حَاضِرٌ قَالَ مَالِكٌ: عَرَضَ عَلَيَّ نَافِعٌ عَنْ ابْنِ عُمَرَ: أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ رَضِيَ اللَّهُ عَنْهَا أَرَادَتْ أَنْ تَشْتَرِيَ جَارِيَةً تَعْتِقُهَا، فَقَالَ أَهْلُهَا: نَبِّعُكَهَا عَلَى أَنْ وَلَاءَهَا لَنَا، فَذَكَرْتُ عَائِشَةَ ذَلِكَ لِرَسُولِ اللَّهِ ﷺ فَقَالَ: «لَا يَمْنَعُكَ ذَلِكَ فَإِنَّ الْوَلَاءَ لِمَنْ أَعْتَقَ».

تخريج: أخرجه البخاري، البيهقي، باب: إذا اشترط في البيع شروطاً لا تحل، ح: ٢١٦٩ ومسلم، العتق، باب بيان أن الولاء لمن أعتق، ح: ١٥٠٤ من حديث مالك به وهو في الموطأ (يحيى): ٧٨١/٢.

Comments:

In Arabic the word *Mawlā* applies to both the one who freed the slave, and the freed slave (as well). *Al-Walā'* refers to the relationship between them after the freeing of the slave. The relationship is immutable that can neither be changed or gifted nor bought or sold, and due to this relationship, the one freed takes on the tribal affinity of the one who freed him, and the one who freed him is his heir.

2916. It was reported from Al-Aswad, from 'Aishah, who said: "The Messenger of Allāh ﷺ said: 'The *Walā'* is for whoever paid the price and conferred the favor.'" (*Ṣaḥīḥ*)

٢٩١٦ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ بْنُ الْجَرَّاحِ عَنْ سُفْيَانَ الثَّوْرِيِّ، عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ الْأَسْوَدِ، عَنْ عَائِشَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «الْوَلَاءُ لِمَنْ أَعْطَى الثَّمَنَ وَوَلَّى النِّعْمَةَ».

تخريج: أخرجه البخاري، الفرائض، باب ميراث السائبة، ح: ٦٧٥٤ من حديث منصور به.

2917. (A) It was reported from Husain Al-Mu'allim, from 'Amr bin Shu'aib, from his father, from his grandfather, that Ri'āb bin Hudhaifah married a woman, and three sons were born to her from him. Their mother then died. They inherited her property and the *Walā'* of her freed slaves. 'Amr bin Al-'Āṣ was an *Aṣabah* among them. He sent them to Ash-Shām,

٢٩١٧ (أ) - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عَمْرٍو عَنْ أَبِي الْحَجَّاجِ أَبُو مَعْمَرٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ حُسَيْنِ الْمُعَلِّمِ، عَنْ عَمْرٍو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ رِقَابَ بْنَ حُذَيْفَةَ تَزَوَّجَ امْرَأَةً فَوَلَدَتْ لَهُ ثَلَاثَةَ غِلْمَةٍ فَمَاتَتْ أُمُّهُمُ فَوَرِثُوهَا رِبَاعَهَا وَوَلَاءَ مَوَالِيهَا، وَكَانَ عَمْرُو بْنُ الْعَاصِ عَصَبَةً بَيْنَهَا، فَأَخْرَجَهُمْ إِلَى

where they died. When ‘Amr bin Al-‘Āṣ arrived, a freed slave of hers had died and left some property behind for him. Her brothers dispute took their before ‘Umar bin Al-Khaṭṭāb. ‘Umar said: “The Messenger of Allāh ﷺ said: ‘Whatever property a son or a father gains as an heir will be for his *‘Aṣabah* after him, whomever they may be.’” He said: “He wrote a document for him, witnessed by ‘Abdur-Rahmān bin ‘Awf and Zaid bin Thābit, and another man. When ‘Abdul-Malik became the *Khalīfah*, they presented the case to Hishām bin Ismā‘īl — or Ismā‘īl bin Hishām. He sent them to ‘Abdul-Malik. He said: “This is from the decision which I had seen.” He said: “Then he made the decision based on the document of ‘Umar bin Al-Khaṭṭāb, and we are following that until this time.” (*Hasan*)

2917 (B). [It was reported from Hammād, from Ḥumaid who said: “People have accused ‘Amr bin Shu‘aib for this (no. 2917 A) *Hadīth*.” (*Hasan*)

Abū Dāwud said: It was reported from Abū Bakr, ‘Umar and ‘Uthmān, contrary to this *Hadīth*, and it was reported similar to this from ‘Alī bin Abī Tālib.]

الشَّامِ فَمَاتُوا، فَقَدِمَ عَمْرُو بْنُ الْعَاصِ وَمَاتَ مَوْلَى لَهَا وَتَرَكَ مَالًا لَهُ فَخَاصَمَهُ إِخْوَتُهَا إِلَى عُمَرَ بْنِ الْخَطَّابِ، فَقَالَ عُمَرُ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا أَحْرَزَ الْوَلَدُ أَوْ الْوَالِدُ فَهُوَ لِعَصَبَتِهِ مَنْ كَانَ» قَالَ: فَكَتَبَ لَهُ كِتَابًا فِيهِ شَهَادَةُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَزَيْدِ بْنِ ثَابِتٍ وَرَجُلٍ آخَرَ، فَلَمَّا اسْتُخْلِفَ عَبْدُ الْمَلِكِ اخْتَصَمُوا إِلَى هِشَامِ بْنِ إِسْمَاعِيلَ - أَوْ إِلَى إِسْمَاعِيلَ بْنِ هِشَامٍ - فَرَفَعَهُمْ إِلَى عَبْدِ الْمَلِكِ فَقَالَ: هَذَا مِنَ الْقَضَاءِ الَّذِي مَا كُنْتُ أَرَاهُ. قَالَ: فَقَضَى لَنَا بِكِتَابِ عُمَرَ بْنِ الْخَطَّابِ فَتَحْنُ فِيهِ إِلَى السَّاعَةِ.

٢٩١٧ (ب) - [حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا أَبُو سَلَمَةَ قَالَ: حَدَّثَنَا حَمَّادٌ عَنْ حُمَيْدٍ قَالَ: النَّاسُ يَتَّهِمُونَ عَمْرَو بْنَ شُعَيْبٍ فِي هَذَا الْحَدِيثِ.

قَالَ أَبُو دَاوُدَ: وَرَوَى عَنْ أَبِي بَكْرٍ وَعُمَرَ وَعُثْمَانَ خِلَافَ هَذَا الْحَدِيثِ إِلَّا أَنَّهُ رَوَى عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ بِمِثْلِ هَذَا].

تخريج: [إسناده حسن] أخرجه ابن ماجه، الفرائض، باب ميراث الولاء، ح: ٢٧٣٢ من حديث حسين المعلم به * حميد الطويل: مدلس ولم يذكر الناس الذين كانوا يتهمون عمرو بن شعيب رحمه الله، وبأي شيء كانوا يتهمونهم؟.

Chapter 13. Regarding A Man Who Accepts Islam At The Hands Of Another

2918. It was reported from Qabiṣah bin Dhu'aib — Hishām (one of the narrators) said: “From Tamīm Ad-Dārī, that he said: ‘O Messenger of Allāh!’” — And Yazīd (one of the narrators) said: “That Tamīm said: ‘O Messenger of Allāh! What is the *Sunnah* in regards of a man who accepts Islam at the hands of a man among the Muslims?’ He replied: ‘He is the most worthy of the people in his life and after his death.’” (*Hasan*)

(المعجم ١٣) بَابُ: فِي الرَّجُلِ يُسْلِمُ عَلَى يَدَيِ الرَّجُلِ (التحفة ١٣)

٢٩١٨ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ بْنُ مَوْهَبٍ الرَّمْلِيُّ وَهَشَامُ بْنُ عَمَّارٍ قَالَا: حَدَّثَنَا يَحْيَى - قَالَ أَبُو دَاوُدَ: هُوَ ابْنُ حَمْزَةَ - عَنْ عَبْدِ الْعَزِيزِ بْنِ عُمَرَ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ ابْنَ مَوْهَبٍ يُحَدِّثُ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ عَنْ قَبِيصَةَ بْنِ دُوَيْبٍ قَالَ هِشَامُ: عَنْ تَمِيمٍ الدَّارِيِّ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ! - وَقَالَ يَزِيدُ: أَنَّ تَمِيمًا قَالَ: يَا رَسُولَ اللَّهِ! - مَا السُّنَّةُ فِي الرَّجُلِ يُسْلِمُ عَلَى يَدَيِ الرَّجُلِ مِنَ الْمُسْلِمِينَ؟ قَالَ: «هُوَ أَوْلَى النَّاسِ بِمَحْيَاهُ وَمَمَاتِهِ».

تخريج: [إسناده حسن] أخرجه الترمذي، الفرائض، باب ما جاء في ميراث الرجل الذي يسلم على يدي الرجل، ح: ٢١١٢ وابن ماجه، ح: ٢٧٥٢ من حديث عبدالعزيز بن عمر به وعلقه البخاري بصيغة التمريض قبل، ح: ٦٧٥٧ ولم أر لمضعفه حجة قوية.

Comments:

Abū Ḥanīfah and Ishāq hold the view that the one who accepts Islam may agree to *Walā'* with the one by whom he accepted it. Others explain that the narration does not clearly state that they inherit from each other, and they cite the *Hadīth*: “The *Walā'* is for the one who freed.” Meaning, in the case where a slave accepted Islam at the hands of this man, and another man paid to have him freed, then which of the two has the *Walā'*, so this narration explains that the *Walā'* is for the one who freed.

Chapter 14. Regarding Selling *Al-Walā'*

(المعجم ١٤) بَابُ: فِي بَيْعِ الْوَلَاءِ (التحفة ١٤)

2919. It was reported from Ibn 'Umar, may Allāh be pleased with him, that he said: “The Messenger of Allāh ﷺ prohibited selling the *Walā'* and giving it as a gift.” (*Ṣaḥīḥ*)

٢٩١٩ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: نَهَى رَسُولُ اللَّهِ ﷺ عَنْ بَيْعِ الْوَلَاءِ وَعَنْ هِبَتِهِ.

تخريج: أخرجه البخاري، العتق، باب بيع الولاء وهبته، ح: ٢٥٣٥، ومسلم، العتق، باب النهي عن بيع الولاء وهبته، ح: ١٥٠٦ من حديث شعبة به.

Chapter 15. Regarding A Newborn Who Raises His Voice And Then Dies

(المعجم ١٥) **بَابُ: فِي الْمَوْلُودِ يَسْتَهْلُ**
ثُمَّ يَمُوتُ (التحفة ١٥)

2920. It was reported from Abū Hurairah, may Allāh be pleased with him, that the Prophet ﷺ said: "If a newborn raises its voice, and then dies, it will be treated as an heir." (*Da'if*)

٢٩٢٠ - حَدَّثَنَا حُسَيْنُ بْنُ مُعَاذٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا مُحَمَّدٌ يَعْنِي ابْنَ إِسْحَاقَ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ، عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ ﷺ قَالَ: «إِذَا اسْتَهْلَ الْمَوْلُودُ وَرَثَ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٥٧/٦ من حديث أبي داود به * ابن إسحاق عنعن ولحديثه شواهد ضعيفة عند ابن حبان (موارد)، ح: ١٢٢٣ والحاكم: ٣٤٨/٤، ٣٤٩ وغيرهما.

Chapter 16. The Abrogation Of Inheritance Due To Alliances By Inheritance Due To Relations

(المعجم ١٦) - **بَابُ نَسْخِ مِيرَاثِ الْعَقْدِ**
بِمِيرَاثِ الرَّحِمِ (التحفة ١٦)

2921. It was reported from 'Ikrimah, from Ibn 'Abbās, may Allāh be pleased with him, he said: (To those also with whom you have made a pledge (brotherhood), give them their due portion.)^[1] A man would make an agreement with another man with no relationship between them, that they will inherit from one another. It was abrogated by (the following Verse of *Sūrah*) *Al-Anfāl*: "But kindred by blood are nearer to one another (regarding inheritance)."^[2]

٢٩٢١ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ بْنِ ثَابِتٍ قَالَ: حَدَّثَنِي عَلِيُّ بْنُ حُسَيْنٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّحْوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: (وَالَّذِينَ عَاقَدْتَ أَيْمَانَكُمْ فَآتُوهُمْ نَصِيْبَهُمْ) كَانَ الرَّجُلُ يُحَالِفُ الرَّجُلَ لَيْسَ بَيْنَهُمَا نَسَبٌ فَيَرِثُ أَحَدُهُمَا الْآخَرَ فَتَنْسَخُ ذَلِكَ الْأَنْفَالُ فَقَالَ: ﴿وَأُولُوا الْأَرْحَامِ بَعْضُهُمْ أَوْلَى بِبَعْضٍ﴾ [الأنفال: ٧٥].

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٦٢/٦ من حديث أبي داود به.

[1] Referring to a mode of recitation of *Sūrat An-Nisā'* 4:33.

[2] *Al-Anfāl*: 8:75.

2922. It was reported from Sa'eed bin Jubair, from Ibn 'Abbās, regarding Allāh's Saying: (To those also with whom you have made a pledge (brotherhood), give them their due portion) He said: "When the *Muhājirūn* came to Al-Madīnah they used to inherit from the *Anṣār* instead of their blood relatives, due to the brotherhood which the Messenger of Allāh ﷺ had established between them. When the following Verse was revealed: 'And to everyone We have appointed heirs of that (property) left,'^[1] it abrogated: (To those also with whom you have made a pledge (brotherhood), give them their due portion) — of help, advice and cooperation, an a will would be made for him, but the right of inheritance had gone (was abrogated)." (*Ṣaḥīḥ*)

٢٩٢٢ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا أَبُو أُسَامَةَ: حَدَّثَنِي إِدْرِيسُ بْنُ يَزِيدَ: حَدَّثَنَا طَلْحَةُ بْنُ مُصَرِّفٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ: (وَالَّذِينَ عَاقَدْتَ أَيْمَانَكُمْ فَأَتَوْهُمْ نَصِيهِمْ) قَالَ: كَانَ الْمُهَاجِرُونَ حِينَ قَدِمُوا الْمَدِينَةَ تَوَرَّثُوا الْأَنْصَارَ دُونَ ذَوِي رَجَمِهِ لِلْأُخُوَّةِ الَّتِي آخَى رَسُولُ اللَّهِ ﷺ بَيْنَهُمْ، فَلَمَّا نَزَلَتْ هَذِهِ الْآيَةُ: ﴿وَلِكُلِّ جَعَلْنَا مَوْلَىٰ مِمَّا تَرَكَ﴾ [النساء: ٣٣] قَالَ: نَسَخَتْهَا (وَالَّذِينَ عَاقَدْتَ أَيْمَانَكُمْ فَأَتَوْهُمْ نَصِيهِمْ) مِنَ النَّصْرِ وَالنَّصِيحَةِ وَالرَّفَادَةِ، وَيُوصِي لَهُ وَقَدْ ذَهَبَ الْمِيرَاثُ.

تخريج: أخرجه البخاري، التفسير، سورة النساء، باب: ﴿وَلِكُلِّ جَعَلْنَا مَوْلَىٰ مِمَّا تَرَكَ الْوَالِدَانِ...﴾ إلخ، ح: ٤٥٨٠ من حديث أبي أسامة به.

Comments:

The Messenger of Allāh had established the relationship of brotherhood between individuals among the *Anṣār* and *Muhājirīn*. It was on the basis of this pledge of brotherhood that the two parties became heirs of each other, superseding the relationships based on genealogy and adoption. Another customary way of mutual inheritance prevailing in pre-Islamic Arabia was through tribal alliances that bound the individuals, as well as the tribes to help each other in all exigencies. The custom continued for a time early in Islam. Allāh abolished all such relationships once and for all by apportioning the shares of inheritors in the Qur'ān. However, the obligation to help each other on moral grounds and for the sake of Islamic brotherhood, or for purposes of implementing the lawful will of a person, if any, is still in force in Islam.

2923. It was reported from Dāwūd bin Al-Ḥusain, who said: "I was

٢٩٢٣ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ

^[1] *An-Nisā'* 4:33.

reciting (the Qur'ān) before Umm Sa'd bint Ar-Rabī', and she was an orphan under the guardianship of Abū Bakr. I recited to her: (To those also with whom you have made a pledge). She said: "Do not read: (To those also with whom you have made a pledge). This was revealed about Abū Bakr and his son 'Abdur-Raḥmān when he refused to accept Islam. Abū Bakr took an oath never to give him any share of inheritance. When he accepted Islam, Allāh's Prophet ﷺ ordered him to give his share. 'Abdul-'Azīz (one of the narrators) added: "He did not accept Islam until he was urged by sword." (Da'if)

Abū Dāwud said: Whoever said 'Aqadat it means a pact, and whoever said: 'Aqadat it means the party who made the pact. The *Hadīth* of Ṭalḥah is correct: 'Aqadat.^[1]

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٠٤/٦ من حديث أبي داود به * ابن إسحاق: عنعن.

2924. It was reported from 'Ikrimah, from Ibn 'Abbās, may Allāh be pleased with him that he said, regarding the Verse, '(And those who believed, and emigrated and to those who believed but did not emigrate.'^[2] A Bedouin (who did not emigrate to Al-Madīnah) would not inherit from an emigrant, and the emigrant would

وَعَبْدُ الْعَزِيزِ بْنُ يَحْيَى الْمَعْنَى قَالَ أَحْمَدُ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ ابْنِ إِسْحَاقَ، عَنْ دَاوُدَ بْنِ الْحُصَيْنِ قَالَ: كُنْتُ أَقْرَأُ عَلَى أُمِّ سَعْدِ بِنْتِ الرَّبِيعِ، وَكَانَتْ يَتِيمَةً فِي جِجْرِ أَبِي بَكْرٍ فَقَرَأْتُ (وَالَّذِينَ عَاقَدْتَ أَيْمَانَكُمْ) فَقَالَتْ: لَا تَقْرَأْ: (وَالَّذِينَ عَاقَدْتَ أَيْمَانَكُمْ) إِنَّمَا نَزَلَتْ فِي أَبِي بَكْرٍ وَابْنِهِ عَبْدُ الرَّحْمَنِ حِينَ أَبَى الْإِسْلَامَ، فَحَلَفَ أَبُو بَكْرٍ أَنْ لَا يُورَثَهُ، فَلَمَّا أَسْلَمَ أَمَرَهُ نَبِيُّ اللَّهِ ﷺ أَنْ يُؤْتِيَهُ نَصِيبَهُ. زَادَ عَبْدُ الْعَزِيزِ: فَمَا أَسْلَمَ حَتَّى حُمِلَ عَلَى الْإِسْلَامِ بِالسَّيْفِ.

قَالَ أَبُو دَاوُدَ: مَنْ قَالَ: عَقَدْتُ جَعَلَهُ حَلْفًا، وَمَنْ قَالَ: عَاقَدْتُ جَعَلَهُ حَالِفًا. قَالَ: وَالصَّوَابُ حَدِيثُ طَلْحَةَ عَاقَدْتُ.

٢٩٢٤ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ: حَدَّثَنَا عَلِيُّ بْنُ حُسَيْنٍ عَنْ أَبِيهِ، عَنْ يَزِيدَ النَّخَوِيِّ، عَنْ عِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا، وَالَّذِينَ آمَنُوا وَهَاجَرُوا: ﴿وَالَّذِينَ آمَنُوا وَلَمْ يَهَاجَرُوا﴾ [الأنفال: ٧٢] فَكَانَ الْأَعْرَابِيُّ لَا يَرِثُ الْمُهَاجِرَ وَلَا يَرِثُهُ الْمُهَاجِرُ فَتَسَخَّتْهَا

^[1] That is, in narration no. 2922, Ṭalḥah bin Muṣarrif reported it from Sa'eed bin Jubair with that recitation.

^[2] *Al-Anfāl*: 8:72.

not inherit from him. Then it was abrogated, so Allāh said: But kindred by blood are nearer to one another.”^[1] (*Hasan*)

فقال: ﴿وَأُولُو الْأَرْحَامِ بَعْضُهُمْ أَوْلَىٰ بِبَعْضٍ﴾ [الأنفال: ٧٥].

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٦٢/٦ من حديث أبي داود به * أحمد هو ابن محمد بن ثابت.

Chapter 17. Regarding Allegiances

(المعجم ١٧) بَابُ: فِي الْحِلْفِ (التحفة ١٧)

2925. It was reported from Jubair bin Muṭ‘im who said: “The Messenger of Allāh ﷺ said: ‘There is no alliance (*Hilf*) in Islam, and whatever alliances existed during *Jāhiliyyah*; Islam only strengthened them.’” (*Ṣaḥīḥ*)

٢٩٢٥ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ وَابْنُ ثُمَيْرٍ وَأَبُو أُسَامَةَ عَنْ زَكَرِيَّا، عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِيهِ، عَنْ جُبَيْرِ بْنِ مُطْعِمٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا حِلْفَ فِي الْإِسْلَامِ، وَأَيُّمَا حِلْفٍ كَانَ فِي الْجَاهِلِيَّةِ لَمْ يَزِدْهُ الْإِسْلَامُ إِلَّا شِدَّةً».

تخريج: أخرجه مسلم، فضائل الصحابة، باب مؤاخاة النبي ﷺ بين أصحابه رضي الله تعالى عنهم، ح: ٢٥٣٠ من حديث ابن نمير به.

Comments:

A pledge or pact of mutual cooperation and support concluded between two persons, or peoples, is known as *Hilf* in Arabic.

2926. It was reported from Anas bin Mālik that he said: “The Messenger of Allāh ﷺ established alliance (of brotherhood) between the *Muhājirīn* and the *Anṣār* in our house.” Somebody asked him: “Did the Messenger of Allāh ﷺ not say: ‘There is no alliance in Islam.’” He replied: “The Messenger of Allāh ﷺ established an alliance (of brotherhood) between *Muhājirīn* and the *Anṣār* in our house.” He said it two or three times. (*Ṣaḥīḥ*)

٢٩٢٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفْيَانُ عَنْ عَاصِمِ الْأَحْوَلِ قَالَ: سَمِعْتُ أَنَسَ بْنَ مَالِكٍ يَقُولُ: خَالَفَ رَسُولُ اللَّهِ ﷺ بَيْنَ الْمُهَاجِرِينَ وَالْأَنْصَارِ فِي دَارِنَا، فَقِيلَ لَهُ: أَلَيْسَ قَالَ رَسُولُ اللَّهِ ﷺ: «لَا حِلْفَ فِي الْإِسْلَامِ»، فَقَالَ: خَالَفَ رَسُولُ اللَّهِ ﷺ بَيْنَ الْمُهَاجِرِينَ وَالْأَنْصَارِ فِي دَارِنَا مَرَّتَيْنِ أَوْ ثَلَاثًا.

تخريج: أخرجه البخاري، الاعتصام بالكتاب والسنة، باب ما ذكر النبي ﷺ وخص على

^[1] *Al-Anfāl*: 8:75.

اتفاق أهل العلم ... إلخ، ح: ٧٣٤٠ ومسلم، فضائل الصحابة، باب مؤاخاة النبي ﷺ بين أصحابه رضي الله تعالى عنهم، ح: ٢٥٢٩ من حديث عاصم الأحول به.

Comments:

Whatever pact or treaty Muslims conclude in keeping with Allāh's saying: Help you one another in righteousness and piety (*Al-Mā'idah* 5:2) is allowed and permissible, but there is no sanction for treaties built on the foundations of tribalism.

Chapter 18. Regarding A Woman Inheriting From The Blood Money Of Her Husband

(المعجم ١٨) بَابُ: فِي الْمَرْأَةِ تَرِثُ مِنْ دِيَةِ زَوْجِهَا (التحفة ١٨)

2927. It was reported from Sa'eed who said: "Umar bin Al-Khattāb used to say: 'Blood money is only for the *Āqilah*, and the wife will not inherit anything from it' until Ad-Ḍaḥḥāk bin Sufyān said: 'The Messenger of Allāh ﷺ wrote to me to give a share from the blood money of Ashyam Ad-Dibābī to his wife.' So 'Umar withdrew (his ruling)." (*Ṣaḥīḥ*)

Aḥmad bin Ṣāliḥ (one of the narrators) said: "Abdur-Razzāq narrated this *Ḥadīth* to us, from Ma'mar, from Az-Zuhri, from Sa'eed. He said in it: "The Prophet ﷺ had put him in authority over the Bedouins."

٢٩٢٧ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا سُفْيَانُ بْنُ الزُّهْرِيِّ، عَنْ سَعِيدٍ قَالَ: كَانَ عُمَرُ بْنُ الْخَطَّابِ يَقُولُ: الدِّيَةُ لِلْعَاقِلَةِ وَلَا تَرِثُ الْمَرْأَةُ مِنْ دِيَةِ زَوْجِهَا شَيْئًا حَتَّى قَالَ لَهُ الضَّحَّاكُ بْنُ سُفْيَانَ: كَتَبَ إِلَيَّ رَسُولُ اللَّهِ ﷺ أَنْ وَرِثَ امْرَأَةٌ أَشِيْمَ الضَّبَابِيِّ مِنْ دِيَةِ زَوْجِهَا فَرَجَعَ عُمَرُ. قَالَ أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ بِهَذَا الْحَدِيثِ عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدٍ، وَقَالَ فِيهِ: وَكَانَ النَّبِيُّ ﷺ اسْتَعْمَلَهُ عَلَى الْأَعْرَابِ.

تخريج: [صحيح] أخرجه الترمذي، الفرائض، باب ما جاء في ميراث المرأة من دية زوجها، ح: ٢١١٠ وابن ماجه، ح: ٢٦٤٢ من حديث سفيان بن عيينة به وصرح بالسماع عند أحمد: ٤٥٢/٣ وقال الترمذي: "حسن صحيح" وصححه ابن الجارود، ح: ٩٦٦ وللحديث شواهد عند المؤلف: ٢٧٦/٥، ح: ٥٣١٥ وغيره.

Comments:

The blood money paid for the murder of a person becomes in fact, the property of the deceased person. It has, therefore, to be distributed among his legal heirs, the wife being one of them.

The End of the Book of Inheritance

*In The Name of Allāh, Most
Gracious, Most Merciful.*

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

19. The Book Of *Kharāj, Fai* And *Imārah* (Leadership)

(المعجم ١٩) - أَوَّلُ كِتَابِ الْخَرَاجِ
وَالْفَيْءِ وَالْإِمَارَةِ (التحفة ١٤)

Chapter 1. What Is Required Upon The *Imām* In The Case Of Those Under Him

(المعجم ١) - بَابُ مَا يَلْزَمُ الْإِمَامَ مِنْ
حَقِّ الرَّعِيَّةِ (التحفة ١)

2928. It was reported from ‘Abdullāh bin ‘Umar, that the Messenger of Allāh ﷺ said: “Each one of you is a shepherd, and each one of you is responsible over his flock. So the *Amīr* that is over the people, is a shepherd, and he will be questioned about them. A man is a shepherd over the people of his household, and he will be questioned about them. A woman is a shepherd over the house of her husband and children, and she will be questioned about them. A slave is a shepherd over his master’s wealth, and he will be questioned about it. Each one of you is a shepherd, and each of you will be questioned about his flock” (*Sahīh*)

٢٩٢٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عَبْدِ اللَّهِ ابْنِ عُمَرَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «أَلَا كُلكُمْ رَاعٍ وَكُلكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ، فَلَأَمِيرُ الَّذِي عَلَى النَّاسِ رَاعٍ عَلَيْهِمْ وَهُوَ مَسْئُولٌ عَنْهُمْ، وَالرَّجُلُ رَاعٍ عَلَى أَهْلِ بَيْتِهِ وَهُوَ مَسْئُولٌ عَنْهُمْ، وَالْمَرْأَةُ رَاعِيَّةٌ عَلَى بَيْتِ بَعْلِهَا وَوَلَدِهِ وَهِيَ مَسْئُولَةٌ عَنْهُمْ، وَالْعَبْدُ رَاعٍ عَلَى مَالِ سَيِّدِهِ وَهُوَ مَسْئُولٌ عَنْهُ، فَكُلكُمْ رَاعٍ وَكُلكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ».

تخريج: أخرجه البخاري، الأحكام، باب قول الله تعالى: ﴿أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولَى الْأَمْرِ مِنْكُمْ﴾ ح: ٧١٣٨ من حديث مالك به وهو في الموطأ (رواية أبي مصعب): ٢/ ١٨٢، ١٨٣، ح: ٢١٢١ ورواه مسلم، الإمارة، باب فضيلة الأمير العادل وعقوبة الجائر ... إلخ، ح: ١٨٢٩ من حديث عبد الله بن دينار به.

Chapter 2. What Has Been Related About Seeking A Position Of Leadership

(المعجم ٢) - بَابُ مَا جَاءَ فِي طَلَبِ
الْإِمَارَةِ (التحفة ٢)

2929. It was reported from ‘Abdur-Rahmān bin Samurah who said: “The Messenger of Allāh ﷺ said to me: ‘O ‘Abdur-Rahmān bin Samurah! Do not ask for a position of leadership, for if you are given leadership after asking for it, you will be left to discharge it all by yourself, but if you are given leadership without asking it, you will be helped in it.’” (*Sahih*)

٢٩٢٩ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ الْبَرَّازُ: حَدَّثَنَا هُشَيْمٌ: أَخْبَرَنَا يُونُسُ وَمَنْصُورٌ عَنْ الْحَسَنِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ قَالَ: قَالَ لِي رَسُولُ اللَّهِ ﷺ: «يَا عَبْدَ الرَّحْمَنِ بْنَ سَمُرَةَ! لَا تَسْأَلِ الْإِمَارَةَ فَإِنَّكَ إِذَا أُعْطِيَتْهَا عَنْ مَسْأَلَةٍ وَكَلْتَ فِيهَا إِلَى نَفْسِكَ، وَإِنْ أُعْطِيَتْهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا».

تخریج: أخرجه مسلم، الأيمان، باب ندب من حلف يميناً، فرأى غيرها خيراً منها ... الخ، ح: ١٦٥٢ من حديث هشيم، والبخاري، الأحكام، باب: من سأل الإمارة وكل إليها، ح: ٧١٤٧ من حديث يونس به.

Comments:

There is not a single affair of man that can go in his favor without Allāh's special blessing and help. As for an office of leadership, it is a very difficult and demanding job. Therefore, craving for it, and asking for it is to deprive oneself from the Mercy of Allāh.

2930. It was reported from Abū Mūsā, may Allāh be pleased with, who said: “I went with two men to the Prophet ﷺ. One of them addressed him, and then said: ‘We came to you so that you may employ us in your work.’ The other one said similar to the first one. He replied: ‘The most disloyal among you is the one who asks for it (a post of responsibility).’” Abū Mūsā apologized to the Prophet ﷺ and said: ‘I did not know their reason for coming. He (the Prophet) did not employ them for anything until he died. (*Da'if*)

٢٩٣٠ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ: حَدَّثَنَا خَالِدٌ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ أَخِيهِ، عَنْ بِشْرِ بْنِ قُرَّةَ الْكَلْبِيِّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى رَضِيَ اللَّهُ عَنْهُ قَالَ: انْطَلَقْتُ مَعَ رَجُلَيْنِ إِلَى النَّبِيِّ ﷺ فَتَشَهَّدَ أَحَدُهُمَا ثُمَّ قَالَ: جِئْنَا لِنَسْتَعِينَ بِنَا عَلَى عَمَلِكَ، فَقَالَ الْآخَرُ مِثْلَ قَوْلِ صَاحِبِهِ، فَقَالَ: «إِنَّ أَخْوَنَكُمْ عِنْدَنَا مَنْ طَلَبَهُ»، فَأَعْتَدَرَ أَبُو مُوسَى إِلَى النَّبِيِّ ﷺ وَقَالَ: لَمْ أَغْلَمْ لِمَا جَاءَ لَهُ، فَلَمْ يَسْتَعِنْ بِهِمَا عَلَى شَيْءٍ حَتَّى مَاتَ.

تخریج: [إسناده ضعيف] أخرجه النسائي في الكبرى، ح: ٥٩٣١ من حديث إسماعيل بن

أبي خالد به وهو مدلس وعنعن ولم أجد تصريح سماعه عن أخيه سعيد، وانظر، ح: ٤٣٥٤.

Chapter 3. Regarding A Blind Man Being Given A Position Of Leadership

(المعجم ٣) بَابُ: فِي الضَّرِيرِ يُؤَلَّى
(التحفة ٣)

2931. It was reported from Anas who said: "The Prophet ﷺ left Ibn Umm Maktūm in charge over Al-Madīnah twice." (*Ṣaḥīḥ*)

٢٩٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْمُحَرَّمِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: حَدَّثَنَا عِمْرَانُ الْقَطَّانُ عَنْ قَتَادَةَ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ اسْتَخْلَفَ ابْنَ أُمِّ مَكْتُومٍ عَلَى الْمَدِينَةِ مَرَّتَيْنِ.

تخريج: [صحيح] تقدم، ح: ٥٩٥.

Chapter 4. Regarding Appointing A Minister

(المعجم ٤) بَابُ: فِي اتِّخَاذِ الْوَزِيرِ
(التحفة ٤)

2932. It was reported from 'Aishah, may Allāh be pleased with her, that the Messenger of Allāh ﷺ said: "When Allāh deems good for an *Amīr*, He grants him a truthful minister; if he forgets, he will remind him, and if he remembers him, he helps him. And when Allāh wants other than that for an *Amīr*, He grants an evil minister. If he forgets, he will not remind him, and he will not help him if he remembers." (*Ṣaḥīḥ*)

٢٩٣٢ - حَدَّثَنَا مُوسَى بْنُ عَامِرٍ الْمُرِّيُّ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا زُهَيْرُ بْنُ مُحَمَّدٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَرَادَ اللَّهُ بِالْأَمِيرِ خَيْرًا جَعَلَ لَهُ وَزِيرًا صَدِيقًا، إِنْ نَسِيَ ذَكَرَهُ وَإِنْ ذَكَرَ أَعَانَهُ، وَإِذَا أَرَادَ اللَّهُ بِهِ غَيْرَ ذَلِكَ جَعَلَ لَهُ وَزِيرًا شَوْءًا، إِنْ نَسِيَ لَمْ يَذْكُرْهُ وَإِنْ ذَكَرَ لَمْ يُعِنْهُ».

تخريج: [صحيح] أخرجه البيهقي: ١١٢/١٠ من حديث أبي داود به، وصححه ابن حبان، ح: ١٥٥١ وسنده ضعيف وله شواهد عند البزار (كشف الأستار): ٢٣٤/٢ وغيره.

Chapter 5. Regarding *Al-'Arāfah*^[1]

(المعجم ٥) بَابُ: فِي الْعَرَاْفَةِ (التحفة ٥)

2933. It was reported from Ṣāliḥ

٢٩٣٣ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ: حَدَّثَنَا

^[1] It is plural for 'Arīf, and the 'Arīf is the one that informs the leader of matters related to the people and governs them for the leader.

bin Yahyā bin Al-Miqdām, from his grandfather Al-Miqdām bin Ma'dikarib, that the Messenger of Allāh ﷺ struck upon his shoulder, and then said: "You will be successful O Qudaim! If you die without being an *Amīr*, nor secretary, or an '*Arīf*.'" (*Da'if*)

مُحَمَّدُ بْنُ حَرْبٍ عَنْ أَبِي سَلَمَةَ سُلَيْمَانَ بْنِ سُلَيْمٍ، عَنْ يَحْيَى بْنِ جَابِرٍ، عَنْ صَالِحِ بْنِ يَحْيَى بْنِ الْمِقْدَامِ، عَنْ جَدِّهِ الْمِقْدَامِ بْنِ مَعْدِيكَرِبٍ: أَنَّ رَسُولَ اللَّهِ ﷺ ضَرَبَ عَلَى مَنْكِبِهِ، ثُمَّ قَالَ: «أَفْلَحْتَ يَا قُدَيْمُ! إِنْ مِتُّ وَلَمْ تَكُنْ أَمِيرًا وَلَا كَاتِبًا وَلَا عَرِيفًا».

تخريج: [إسناده ضعيف] أخرجه أحمد: ١٣٣/٤ والبيهقي: ٣٦١/٦ من حديث صالح بن يحيى به وهو لين (تقريب) * حديث: "فلا يكونن عريفًا ولا شرطيًا ولا جاييًا ولا خازنًا، حسن رواه أبو يعلى، ح: ١١١٥ وصححه ابن حبان، ح: ١٥٥٨.

Comments:

The Messenger of Allāh ﷺ and the Caliphs that followed him, had adopted various methods for the management and representation of different sections of the society. Sometimes, the responsibility of educating the new Muslims on religious lines was entrusted to these representatives. At times, representatives or chiefs of the previous dispensations were retained on their posts with new directives. At other times, people from groups already trained were either deputed for the purpose, or they were sent just to train the new entrants to Islam, and came back after doing their task.

2934. It was reported from Ghālib Al-Qaṭṭān, from a man, from his father, from his grandfather, that they were staying at one of the springs. When the Message of Islam reached them, the owner of the spring told his people that he will give them one hundred camels if they accept Islam. They accepted Islam, and he divided the camels between them. Then it occurred to him to take his camels back from them. He sent his son to the Prophet ﷺ and instructed him: "Go to the Prophet ﷺ and say to him: 'My father is sending his *Salām* to you. He had allocated one hundred camels for his people if they accepted Islam. They

٢٩٣٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَشْرُ بْنُ الْمُفَضَّلِ: حَدَّثَنَا غَالِبُ الْقَطَّانُ عَنْ رَجُلٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّهُمْ كَانُوا عَلَى مَنَهْلٍ مِنَ الْمَنَاهِلِ، فَلَمَّا بَلَغَهُمُ الْإِسْلَامُ جَعَلَ صَاحِبُ الْمَاءِ لِقَوْمِهِ مِائَةً مِنَ الْإِبِلِ عَلَى أَنْ يُسْلِمُوا، فَاسْلَمُوا وَقَسَمَ الْإِبِلَ بَيْنَهُمْ، وَبَدَأَ لَهُ أَنْ يَرْتَجِعَهَا مِنْهُمْ، فَأَرْسَلَ ابْنَهُ إِلَى النَّبِيِّ ﷺ، فَقَالَ لَهُ: ابْنُ النَّبِيِّ ﷺ فَقُلْ لَهُ: إِنْ أَبِي يُقْرِئُكَ السَّلَامَ وَإِنَّهُ جَعَلَ لِقَوْمِهِ مِائَةً مِنَ الْإِبِلِ عَلَى أَنْ يُسْلِمُوا فَاسْلَمُوا وَقَسَمَ الْإِبِلَ بَيْنَهُمْ وَبَدَأَ لَهُ أَنْ يَرْتَجِعَهَا مِنْهُمْ أَفَهُوَ أَحَقُّ بِهَا أَمْ هُمْ؟ فَإِنْ قَالَ لَكَ: نَعَمْ أَوْ لَا، فَقُلْ لَهُ: إِنْ

accepted Islam, so he divided the camels among them. Now it occurred to him that he wants his camels back. Is he more entitled to them or are they?" If he says to you: 'Yes,' or 'No,' say to him: 'My father is an old man and he is the *'Arif* of the water, and he is requesting you (the son) to make the *'Arif* after him.' He came to him and said: 'My father is sending his *Salām* to you.' He replied: 'May peace be upon you and your father.' He said: 'My father had allocated one hundred camels for his people if they accept Islam. They became Muslims, and made their Islam good (being steadfast on Islam). Now it occurred to him that he wants his camels back. Is he more entitled to them or are they?' He said: 'If he likes to give it to them he may do so, and if he likes to take it back then he is more entitled to it than his people. If they accept Islam then for them is Islam, but if they do not accept Islam, then they will be fought for Islam.' He said: 'My father is an old man, and he is the *'Arif* of the water, and he is requesting you to make me the *'Arif* after him.' He replied: 'The role of the *'Arif* is important, and people must have *'Arifs*, but the *'Arif* are in the Fire.'" (*Da'if*)

أَبِي سَيْحٍ كَبِيرٌ وَهُوَ عَرِيفُ الْمَاءِ وَإِنَّهُ يَسْأَلُكَ أَنْ تَجْعَلَ لِي الْعِرَافَةَ بَعْدَهُ. فَأَتَاهُ فَقَالَ: إِنَّ أَبِي يُقْرِئُكَ السَّلَامَ، فَقَالَ: «وَعَلَيْكَ وَعَلَى أَبِيكَ السَّلَامُ»، فَقَالَ: إِنَّ أَبِي جَعَلَ لِقَوْمِهِ مِائَةً مِنَ الْإِبِلِ عَلَى أَنْ يُسَلِّمُوا فَأَسْلَمُوا وَحَسَنَ إِسْلَامُهُمْ ثُمَّ بَدَأَ لَهُ أَنْ يَرْتَجِعَهَا مِنْهُمْ أَفَهُوَ أَحَقُّ بِهَا أَمْ هُمْ؟ فَقَالَ: «إِنْ بَدَأَ لَهُ أَنْ يُسَلِّمَهَا لَهُمْ فَلْيُسَلِّمَهَا، وَإِنْ بَدَأَ لَهُ أَنْ يَرْتَجِعَهَا فَهُوَ أَحَقُّ بِهَا مِنْهُمْ، فَإِنْ أَسْلَمُوا فَلَهُمْ إِسْلَامُهُمْ، وَإِنْ لَمْ يُسَلِّمُوا قُوتِلُوا عَلَى الْإِسْلَامِ». وَقَالَ: إِنَّ أَبِي سَيْحٍ كَبِيرٌ وَهُوَ عَرِيفُ الْمَاءِ وَإِنَّهُ يَسْأَلُكَ أَنْ تَجْعَلَ لِي الْعِرَافَةَ بَعْدَهُ. فَقَالَ: «إِنَّ الْعِرَافَةَ حَقٌّ وَلَا بُدَّ لِلنَّاسِ مِنَ الْعُرَفَاءِ وَلَكِنَّ الْعُرَفَاءَ فِي النَّارِ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٣٦٦/٥ والنسائي في عمل اليوم والليلة، ح: ٣٧٣ من حديث غالب القطان به مختصراً وفيه غير واحد من المجهولين، انظر، ح: ٥٢٣١ ورواه البيهقي ٣٦١/٦ من حديث أبي داود به.

Chapter 6. Regarding Appointing A Secretary (*Kātib*)

(المعجم ٦) بَابُ: فِي اتِّخَاذِ الْكَاتِبِ (التحفة ٦)

2935. It was reported from Ibn ‘Abbās, that he said: As-Sijil was a secretary *Kātib*) for the Prophet ﷺ. (*Da‘īf*)

٢٩٣٥ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا نُوحُ بْنُ قَيْسٍ عَنْ يَزِيدَ بْنِ كَعْبٍ، عَنْ عَمْرِو بْنِ مَالِكٍ، عَنْ أَبِي الْجَوَّارِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: السَّجِلُّ كَاتِبٌ كَانَ لِلنَّبِيِّ ﷺ.

تخريج: [إسناده ضعيف] أخرجه النسائي في الكبرى، ح: ١١٣٣٥ عن قتيبة به * يزيد بن كعب: مجهول الحال، لم يوثقه غير ابن حبان وللحديث طريق آخر: ضعيف عند الخطيب: ٨/ ١٧٥ في تاريخه.

Chapter 7. On Collecting Charity^[1]

(المعجم ٧) بَابُ: فِي السَّعَايَةِ عَلَى الصَّدَقَةِ (التحفة ٧)

2936. It was reported from Rāfi‘ bin Khadij: “I heard the Messenger of Allāh ﷺ saying: “The one who works in collecting charity in truth is like the one who fights in the cause of Allāh until he returns.” (*Hasan*)

٢٩٣٦ - حَدَّثَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ الْأَسْبَاطِيُّ: حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ عَاصِمِ بْنِ عُمَرَ ابْنِ قَتَادَةَ، عَنْ مَحْمُودِ بْنِ لَبِيدٍ، عَنْ رَافِعِ بْنِ خَدِيجٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «الْعَامِلُ عَلَى الصَّدَقَةِ بِالْحَقِّ كَالْعَازِي فِي سَبِيلِ اللَّهِ حَتَّى يَرْجِعَ إِلَى بَيْتِهِ».

تخريج: [إسناده حسن] أخرجه الترمذي، الزكاة، باب ما جاء في العامل على الصدقة بالحق: ٦٤٥ وابن ماجه، ح: ١٨٠٩ من حديث محمد بن إسحاق به وصرح بالسماع عند أحمد: ٤/ ١٤٣ وصححه ابن خزيمة، ح: ٢٣٣٤ والحاكم على شرط مسلم: ٤٠٦/١ ووافقه الذهبي وقال الترمذي: "حسن صحيح".

2937. It was reported from ‘Uqbah bin ‘Āmir who said: “I heard the Messenger of Allāh ﷺ saying: ‘*Sāhib Maks*^[2] will not enter the

٢٩٣٧ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ ابْنِ إِسْحَاقَ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ

[1] Here the meaning is the one who collects *Zakāt*, and it may also be understood to apply to collecting charity in general.

[2] One who wrongfully takes what is not due from the people, as in one who institutes or is employed to take an unlawful tax.

Paradise” (*Da’if*)

عَبْدُ الرَّحْمَنِ بْنِ شِمَاسَةَ، عَنْ عُقْبَةَ بْنِ عَامِرٍ
قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا
يَدْخُلُ الْجَنَّةَ صَاحِبُ مَكْسٍ».

تخريج: [إسناده ضعيف] أخرجه أحمد: ١٤٣/٤ عن محمد بن سلمة به، وصححه ابن خزيمة، ح: ٢٣٣٣ وابن الجارود، ح: ٣٣٩ والحاكم على شرط مسلم: ٤٠٤/١ ووافقه الذهبي * محمد بن إسحاق بن يسار: عنعن.

2938. It was reported from Ibn Ishāq who said: “The one who takes the tithe from people.” Meaning, in defining “*Ṣāhib Maks*” (*Hasan*)

٢٩٣٨ - حَدَّثَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْقَطَّانُ
عَنْ ابْنِ مَعْرَاءَ، عَنْ ابْنِ إِسْحَاقَ قَالَ: الَّذِي
يَعْتَشُرُ النَّاسَ يَغْنِي صَاحِبَ الْمَكْسِ.

تخريج: [إسناده حسن] انفرد به أبو داود.

Chapter 8. Regarding The Appointment Of The Khalifah

(المعجم ٨) بَابُ: فِي الْخَلِيفَةِ
يُسْتَخْلَفُ (التحفة ٨)

2939. It was reported from Ibn ‘Umar who said: “‘Umar said: ‘If I do not appoint a Khalifah (I may do so), for the Messenger of Allāh ﷺ had not appointed a Khalifah. If I appoint a Khalifah (I may do so) for Abū Bakr appointed a Khalifah.” He (Ibn ‘Umar) said: “By Allāh! As soon as he mentioned the Messenger of Allāh ﷺ and Abū Bakr, I knew that he will not equate anyone with the Messenger of Allāh ﷺ, and that he is not going to appoint a Khalifah.” (*Ṣāhib*)

٢٩٣٩ - حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ سَفْيَانَ
وَسَلَمَةُ قَالَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا
مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ ابْنِ عُمَرَ
قَالَ: قَالَ عُمَرُ: إِنِّي إِنْ لَا أَسْتَخْلِفُ، فَإِنَّ
رَسُولَ اللَّهِ ﷺ لَمْ يَسْتَخْلِفْ، وَإِنْ أَسْتَخْلِفُ
فَإِنَّ أَبَا بَكْرٍ قَدْ اسْتَخْلَفَ، قَالَ: فَوَاللَّهِ! مَا
هُوَ إِلَّا أَنْ ذَكَرَ رَسُولَ اللَّهِ ﷺ وَأَبَا بَكْرٍ،
فَعَلِمْتُ أَنَّهُ لَا يَعْدِلُ بِرَسُولِ اللَّهِ ﷺ أَحَدًا
وَأَنَّهُ غَيْرُ مُسْتَخْلِفٍ.

تخريج: أخرجه مسلم، الإمامة، باب الاستخلاف وتركه، ح: ١٨٢٣ من حديث عبدالرزاق

Chapter 9. What Has Been Related About The *Bai'ah* (Pledge Of Allegiance)

(المعجم ٩) - بَابُ مَا جَاءَ فِي الْبَيْعَةِ
(التحفة ٩)

2940. It was reported from Ibn 'Umar who said: "We used to pledge allegiance to the Prophet ﷺ to hear and to obey, and he used to tell us: 'In what you people are able to.'" (*Ṣaḥīḥ*)

٢٩٤٠ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ ابْنِ عُمَرَ قَالَ: كُنَّا نُبَايِعُ النَّبِيَّ ﷺ عَلَى السَّمْعِ وَالطَّاعَةِ وَيُلْقَنَّا: «فِيمَا اسْتَطَعْتُمْ».

تخريج: أخرجه البخاري، الأحكام، باب: كيف يبايع الإمام الناس؟ ح: ٧٢٠٢ ومسلم، الإمارة، باب البيعة على السمع والطاعة فيما استطاع، ح: ١٨٦٧ من حديث عبدالله بن دينار به.

2941. It was reported from 'Urwah, that 'Āishah, may Allāh be pleased with her, told him about the pledge of allegiance taken by the Messenger of Allāh ﷺ from the woman. She said: 'The Prophet ﷺ never touched a woman with his hand, ever. But he would take the pledge of allegiance from them. If he took it from her and she gave it, he would say: 'You may go, for I have taken your pledge.'" (*Ṣaḥīḥ*)

٢٩٤١ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهَبٍ: حَدَّثَنِي مَالِكٌ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ: أَنَّ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا أَخْبَرَتْهُ عَنْ بَيْعَةِ رَسُولِ اللَّهِ ﷺ لِلنِّسَاءِ قَالَتْ: مَا مَسَّ النَّبِيَّ ﷺ يَدِيهِ امْرَأَةً قَطُّ إِلَّا أَنْ يَأْخُذَ عَلَيْهَا، فَإِذَا أَخَذَ عَلَيْهَا فَأَعْطَتْهُ قَالَ: «أَذْهَبِي فَقَدْ بَايَعْتِكِ».

تخريج: أخرجه مسلم، الإمارة، باب كيفية بيعة النساء، ح: ١٨٦٦ من حديث ابن وهب، البخاري، الأحكام، باب بيعة النساء، ح: ٧٢١٤ من حديث ابن شهاب الزهري به.

2942. It was reported from Abū 'Aqil Zuhrah bin Ma'bad, from his grandfather, 'Abdullāh bin Hishām, he said: "And he saw the Prophet ﷺ, and his mother Zainab bint Humaid took him to the Messenger of Allāh, ﷺ and said: 'O Messenger of Allāh! Receive the pledge of allegiance from him.' The Messenger of Allāh ﷺ said: 'He is a child.' Then he wiped his head." (*Ṣaḥīḥ*)

٢٩٤٢ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يَزِيدَ قَالَ: حَدَّثَنَا سَعِيدُ بْنُ أَبِي أَيُّوبَ: حَدَّثَنَا أَبُو عَقِيلٍ زُهْرَةُ ابْنُ مَعْبُدٍ عَنْ جَدِّهِ عَبْدِ اللَّهِ بْنِ هِشَامٍ، قَالَ: وَكَانَ قَدْ أَذْرَكَ النَّبِيَّ ﷺ وَذَهَبَتْ بِهِ أُمُّهُ زَيْنَبُ بِنْتُ حُمَيْدٍ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَتْ: يَا رَسُولَ اللَّهِ! بَايِعْهُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «هُوَ صَغِيرٌ»، فَمَسَحَ رَأْسَهُ.

تخريج: أخرجه البخاري، الأحكام، باب بيعة الصغير، ح: ٧٢١٠ من حديث عبدالله بن يزيد

المقرئ به وزاد: "ودعا له".

Chapter 9,10. Regarding Granting Provision To (Government) Employees

(المعجم ٩، ١٠) بَابُ: فِي أَرْزَاقِ الْعُمَّالِ (التحفة ١٠)

2943. It was reported from ‘Abdullāh bin Buraidah, from his father, from the Prophet ﷺ, who said: “If we appoint somebody to do any (administrative) work and grant him a provision, anything he takes beyond that is *Ghulūl*.” (*Hasan*)

٢٩٤٣ - حَدَّثَنَا زَيْدُ بْنُ أَحْزَمَ أَبُو طَالِبٍ: حَدَّثَنَا أَبُو عَاصِمٍ عَنْ عَبْدِ الْوَارِثِ بْنِ سَعِيدٍ، عَنْ حُسَيْنِ الْمُعَلِّمِ، عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ، عَنْ أَبِيهِ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ اسْتَعْمَلْنَاهُ عَلَى عَمَلٍ فَرَزَقْنَاهُ رِزْقًا فَمَا أَخَذَ بَعْدَ ذَلِكَ فَهُوَ غُلُولٌ».

تخريج: [إسناده حسن] أخرجه ابن خزيمة، ح: ٢٣٦٩ عن زيد به، وصححه الحاكم على شرط الشيخين: ٤٠٦/١ ووافقه الذهبي.

2944. It was reported from Ibn As-Sā'idī, who said: “‘Umar appointed me to collect the *Ṣadaqah* (*Zakāt*). When I finished collecting it, he ordered some payment to be given to me. I said: ‘I only did it for Allāh.’ He replied: ‘Take what you are given, for I worked (in some administrative position) in the time of the Messenger of Allāh ﷺ and he paid me for it.’” (*Ṣaḥīḥ*)

٢٩٤٤ - حَدَّثَنَا أَبُو الْوَلِيدِ الطَّبْاطِبَاءِيُّ: حَدَّثَنَا لَيْثٌ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشَّجِ، عَنْ بُسْرِ بْنِ سَعِيدٍ، عَنْ ابْنِ السَّاعِدِيِّ قَالَ: اسْتَعْمَلَنِي عُمَرُ عَلَى الصَّدَقَةِ، فَلَمَّا فَرَغْتُ أَمَرَ لِي بِعُمَالَةٍ فَقُلْتُ: إِنَّمَا عَمِلْتُ لِلَّهِ، قَالَ: خُذْ مَا أُعْطِيتْ فَإِنِّي قَدْ عَمِلْتُ عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ فَعَمَلَنِي.

تخريج: وأخرجه مسلم، الزكاة، باب جواز الأخذ بغير سؤال ولا تطلع، ح: ١٠٤٥ من حديث ليث بن سعد به، وتقدم: ١٦٤٧.

Comments:

These texts are proof enough for the allowance of paying government workers for their duties, even though they do their work for Allāh's sake.

2945. It was reported from Al-Mustawrid bin Shaddād who said: “I heard the Prophet ﷺ saying: ‘Anyone who is employed by us may get a wife, if he has no servant, then he may get a servant,

٢٩٤٥ - حَدَّثَنَا مُوسَى بْنُ مَرْوَانَ الرَّقِّيُّ: حَدَّثَنَا الْمُعَاوِيُّ: حَدَّثَنَا الْأَوْزَاعِيُّ عَنْ الْحَارِثِ بْنِ يَزِيدَ، عَنْ [عَبْدِ الرَّحْمَنِ بْنِ]

and if he has no dwelling, then he may get a dwelling.”

He said: “Abū Bakr said: ‘I have been informed that the Prophet ﷺ said: “Anybody who takes anything else, then he is treacherous or a thief.”’^[1] (*Ṣaḥīḥ*)

جُبَيْرُ بْنُ نُفَيْرٍ، عَنِ الْمُسْتَوْرِدِ بْنِ شَدَّادٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَنْ كَانَ لَنَا عَامِلًا فَلْيَكْتَسِبْ زَوْجَةً فَإِنْ لَمْ يَكُنْ لَهُ خَادِمٌ فَلْيَكْتَسِبْ خَادِمًا، فَإِنْ لَمْ يَكُنْ لَهُ مَسْكَنٌ فَلْيَكْتَسِبْ مَسْكَنًا». قَالَ: قَالَ أَبُو بَكْرٍ: أَخْبَرْتُ أَنَّ النَّبِيَّ ﷺ قَالَ: «مَنْ اتَّخَذَ غَيْرَ ذَلِكَ فَهُوَ غَالٍ أَوْ سَارِقٌ».

تخريج: [إسناده صحيح] أخرجه البيهقي: ٣٥٥/٦ من حديث أبي داود به ورواه أحمد: ٤/٢٢٩ وصححه ابن خزيمة، ح: ٢٣٧٠ والحاكم على شرط البخاري: ٤٠٦/١ ووافقه الذهبي، وقالوا: عبدالرحمن بن جبير، بدل جبير بن نفير وهو أشبه بالصواب.

Chapter 10,11 Regarding Gifts For An Employee (In Government)

(المعجم ١٠، ١١) بَابُ: فِي هَدَايَا الْعُمَّالِ (التحفة ١١)

2946. It was reported from Abū Ḥumaid As-Sā'idī who said: “The Prophet ﷺ appointed a man from Al-Azd called Ibn Al-Lutbiyyah — Ibn As-Sarḥ (one of the narrators) said: Ibn Al-Utbiyyah — to collect the *Ṣadaqah*. When he returned, he said: ‘This is for you, and this has been given to me as a gift.’ So the Prophet ﷺ stood up on the *Minbar*, praised and glorified Allāh, and then said: ‘What is the matter with the employee; we send him, and he comes back saying: “This is for you (the collection of *Zakāt*), and this has been given to me as gift.” Why does he not sit in the house of his mother or father and

٢٩٤٦ - حَدَّثَنَا ابْنُ السَّرْحِ وَ ابْنُ أَبِي خَلْفٍ لَفْظُهُ قَالَا: حَدَّثَنَا سُفْيَانُ عَنِ الزُّهْرِيِّ، عَنْ غُرُورَةَ، عَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ: أَنَّ النَّبِيَّ ﷺ اسْتَعْمَلَ رَجُلًا مِنَ الْأَزْدِ يُقَالُ لَهُ: ابْنُ اللَّثْبَةِ - قَالَ ابْنُ السَّرْحِ: ابْنُ الْأَثْبَةِ - عَلَى الصَّدَقَةِ فَبَجَاءَ فَقَالَ: هَذَا لَكُمْ وَهَذَا أُهْدِي لِي، فَقَامَ النَّبِيُّ ﷺ عَلَى الْمِنْبَرِ فَحَمِدَ اللَّهَ وَأَثْنَى عَلَيْهِ وَقَالَ: «مَا بَالُ الْعَامِلِ نَبَعْتُهُ فَيَجِيءُ فَيَقُولُ: هَذَا لَكُمْ وَهَذَا أُهْدِي لِي، أَلَا جَلَسَ فِي بَيْتِ أُمِّهِ أَوْ أَبِيهِ فَيَنْظُرُ أَيُّهُدَى لَهُ أَمْ لَا، لَا يَأْتِي أَحَدًا مِنْكُمْ بِشَيْءٍ مِنْ ذَلِكَ

[1] In *‘Awn Al-Ma’būd*, the author said: “It appears that it is Abū Bakr Aṣ-Ṣiddiq, may Allāh be pleased with him.” But in *Ṣaḥīḥ Ibn Khuzaimah* (no. 2370), Ibn Khuzaimah narrated it through the same route as the author, via Al-Mu’āfa, who is Al-Mu’āfa bin ‘Imrān Al-Mawṣilī. Here Ibn Khuzaimah has: “Abū Bakr” — that is Al-Mu’āfa — said.

then see if he is given a gift or not. None of you will take anything of that, except that he will come along with it on the Day of Resurrection, if it is a camel; it will be grunting, or a cow; it will be mooing, or a sheep; it will be bleating.' Then he raised his arms up until we saw the whiteness of his armpits, and he said: 'O Allāh! Have I not conveyed? O Allāh! Have I not the conveyed?'” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الأحكام، باب هدايا العمال، ح: ٧١٧٤ ومسلم، الإمارة، باب تحريم هدايا العمال، ح: ١٨٣٢ من حديث سفيان بن عيينة به.

Chapter 11,12. *Ghulūl* In Charity

2947. It was reported from Abū Mas'ūd Al-Anṣarī who said: “The Prophet ﷺ dispatched me to collect the *Zakāh*, then he said: ‘Proceed Abū Mas'ūd, I should not find you on the Day of Judgment, and on your back you are carrying a grunting camel from the *Sadaqah* which you acquired deceitfully’ He said: ‘Then I will not go.’ He replied: ‘Then I will not force you.’” (*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] وله شاهد عند مسلم، ح: ١٨٣١.

Chapter 12,13. Regarding Matters Of Those Who Are Under *Imām*, His Duties, And Him Secluding Himself From Them

2948. It was reported from Abū Mariam Al-Azdī, who said: “I entered upon Mu'āwiyah, and he

إِلَّا جَاءَ بِهِ يَوْمَ الْقِيَامَةِ، إِنْ كَانَ بَعِيرًا فَلَهُ رُغَاءٌ أَوْ بَقَرَةٌ فَلَهَا خُورٌ أَوْ شَاةٌ تَبْعُرُ، ثُمَّ رَفَعَ يَدَيْهِ حَتَّى رَأَيْنَا عِقْرَهُ يُطْبِئُهُ ثُمَّ قَالَ: «اللَّهُمَّ هَلْ بَلَعْتُ، اللَّهُمَّ هَلْ بَلَعْتُ».

(المعجم ١٢، ١١) بَابُ: فِي غُلُولِ الصَّدَقَةِ (التحفة ١٢)

٢٩٤٧ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ مُطَرِّفٍ، عَنْ أَبِي الْجَهْمِ، عَنْ أَبِي مَسْعُودٍ الْأَنْصَارِيِّ قَالَ: بَعَثَنِي النَّبِيُّ ﷺ سَاعِيًا ثُمَّ قَالَ: «انْطَلِقْ أَبَا مَسْعُودٍ لَا أُفَيْتُكَ يَوْمَ الْقِيَامَةِ تَجِيءُ وَعَلَى ظَهْرِكَ بَعِيرٌ مِنْ إِبِلِ الصَّدَقَةِ لَهُ رُغَاءٌ قَدْ غَلَلْتَهُ». قَالَ: إِذَا لَا أَنْطَلِقُ قَالَ: «إِذَا لَا أُكْرِهَكَ».

(المعجم ١٢، ١٣) بَابُ: فِيمَا يَلْزَمُ الْإِمَامَ مِنْ أَمْرِ الرَّعِيَةِ وَالْحَجَبَةِ عَنْهُمْ (التحفة ١٣)

٢٩٤٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ عَبْدِ الرَّحْمَنِ الدَّمَشْقِيُّ: حَدَّثَنَا يَحْيَى بْنُ حَمْرَةَ قَالَ:

said: 'What a good moment this visit of yours is for us O father of so-and-so' — which was a phrase used by the Arabs. I replied: 'It is a *Hadīth* that I heard, which I will inform you of. I heard the Messenger of Allāh ﷺ saying: "Whomever Allāh, the Mighty and Sublime, appoints over some affairs of the Muslims, then he secludes himself (from them) not fulfilling their needs, wants and poverty, Allāh will seclude Himself from his needs, wants and poverty." He said: "He (Mu'āwiyah) then appointed a man to look after the needs of the people." (*Hasan*)

حَدَّثَنِي ابْنُ أَبِي مَرْيَمَ أَنَّ الْقَاسِمَ بْنَ مُخَيَّمَةَ أَخْبَرَهُ أَنَّ أَبَا مَرْيَمَ الْأَزْدِيَّ أَخْبَرَهُ قَالَ: دَخَلْتُ عَلَى مُعَاوِيَةَ قَالَ: مَا أَنْعَمْنَا بِكَ أَبَا فُلَانٍ - وَهِيَ كَلِمَةٌ تَقُولُهَا الْعَرَبُ - فَقُلْتُ: حَدِيثًا سَمِعْتُهُ أُخْبِرُكَ بِهِ، سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ وَلَّاهُ اللَّهُ عَزَّوَجَلَّ شَيْئًا مِنْ أَمْرِ الْمُسْلِمِينَ فَاحْتَجَبَ دُونَ حَاجَتِهِمْ وَخَلَّتْهُمْ وَفَقَّرَهُمْ احْتَجَبَ اللَّهُ عَنْهُ دُونَ حَاجَتِهِ وَخَلَّتْهُ وَفَقَّرَهُ»، قَالَ: فَجَعَلَ رَجُلًا عَلَى خَوَائِجِ النَّاسِ.

تخريج: [إسناده حسن] أخرجه الترمذي، الأحكام، باب ما جاء في إمام الرعية، ح: ١٣٣٣ من حديث يحيى بن حمزة به وذكر كلاماً وصححه الحاكم: ٩٣/٤، ٩٤ ووافقه الذهبي وللحديث شواهد عند الترمذي، ح: ١٣٣٢ وأحمد: ٢٣٨/٥ وغيرهما.

2949. It was reported from Abū Hurairah who said: "The Messenger of Allāh ﷺ said: 'Whatever I give to you people, and whatever I withhold, all I am but only a treasurer, putting it where I have been ordered.'" (*Ṣaḥīḥ*)

٢٩٤٩ - حَدَّثَنَا سَلَمَةُ بْنُ شَيْبٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَذَا مَا حَدَّثَنَا بِهِ أَبُو هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا أَوْتَيْتُكُمْ مِنْ شَيْءٍ وَمَا أَمْنَعُكُمْوهُ إِنْ أَنَا إِلَّا خَازِنٌ أَضْعُ حَيْثُ أُمِرْتُ».

تخريج: [إسناده صحيح] أخرجه أحمد: ٣١٤/٢ عن عبد الرزاق به وهو في صحيفة همام بن منبه، ح: ٤٣.

2950. It was reported from Mālik bin Aws bin Al-Ḥadathān, who said: "One day 'Umar mentioned the *Fai*' and said: 'I am not more entitled to this *Fai*' than any of you, and none of us is more entitled to it than others, except that we are superior (to each other) based upon the

٢٩٥٠ - حَدَّثَنَا الثَّوَالِي: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَطَاءٍ، عَنْ مَالِكِ بْنِ أَوْسِ بْنِ الْحَدَثَانِ قَالَ: ذَكَرَ عُمَرُ بْنُ الْخَطَّابِ يَوْمًا الْفَيْءَ فَقَالَ: مَا أَنَا بِأَحَقَّ بِهَذَا الْفَيْءِ مِنْكُمْ

Book of Allāh, the Mighty and Sublime, and the divisions made by the Messenger of Allāh ﷺ; so there is the man, and his precedence in accepting Islam; and the man, and his hardships, and the man; and his family, and the man; and his needs.” (*Daʿīf*)

وَمَا أَحَدٌ مِنَّا بِأَحَقَّ بِهِ مِنْ أَحَدٍ إِلَّا أَنَا عَلَى مَنَازِلِنَا مِنْ كِتَابِ اللَّهِ عَزَّوَجَلَّ وَقَسَمَ رَسُولُهُ ﷺ فَالْرجُلُ وَقِدْمُهُ وَالْرجُلُ وَبِلَاؤُهُ وَالْرجُلُ وَعِيَالُهُ وَالْرجُلُ وَحَاجَتُهُ.

تخریج: [إسناده ضعيف] أخرجه أحمد: ٤٢/١ من حديث محمد بن إسحاق به ولم أجد تصريح سماعه في هذا السياق.

Chapter 13,14. Regarding Dividing the *Fai*'

(المعجم ١٣، ١٤) بَابُ: فِي قَسْمِ الْفَيْءِ (التحفة ١٤)

Comments:

The term *Fai*' is used in the Qur'ān and *Sunnah* for spoils obtained without actual fighting. *Ghanimah*, on the other hand, refers to the spoils obtained after conquering the territory by fighting. *Fai*' is sometimes used to mean *Ghanimah*.

2951. It was reported from Zaid bin Aslam, that 'Abdullāh bin 'Umar entered upon Mu'āwiyah. He (Mu'āwiyah) said: "Tell me what you need O Abū 'Abdur-Rahmān!" He replied: "That which is given to the freed slaves, for I have seen the Messenger of Allāh ﷺ whenever anything came he would start with the freed slaves." (*Hasan*)

٢٩٥١ - حَدَّثَنَا هَارُونُ بْنُ زَيْدٍ بْنُ أَبِي الزَّرْقَاءِ: أَخْبَرَنِي أَبِي: حَدَّثَنَا هِشَامُ بْنُ سَعْدٍ عَنْ زَيْدِ بْنِ أَسْلَمَ: أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ دَخَلَ عَلَى مُعَاوِيَةَ فَقَالَ: حَاجَتَكَ يَا أَبَا عَبْدِ الرَّحْمَنِ! فَقَالَ: عَطَاءُ الْمُحَرَّرِينَ فَإِنِّي رَأَيْتُ رَسُولَ اللَّهِ ﷺ أَوَّلَ مَا جَاءَهُ شَيْءٌ بَدَأَ بِالْمُحَرَّرِينَ.

تخریج: [إسناده حسن] أخرجه ابن الجارود، ح: ١١٤ من حديث هشام بن سعد به.

Comments:

Prior to being set free, their names did not get separate entries in the account books, but only as clients of their masters. Now that they are free, they are awarded something from the *Fai*'.

2952. It was reported from 'Āishah, may Allāh be pleased with her, that the Prophet ﷺ was brought a pouch containing some beads which he divided among the free women and the slave women.

٢٩٥٢ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا عَيْسَى: حَدَّثَنَا ابْنُ أَبِي ذُئْبٍ عَنْ الْقَاسِمِ بْنِ عَبَّاسٍ، عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ رَضِيَ اللَّهُ

‘Āishah said: “My father, may Allāh be pleased with him, would divide (something) among the free men and slaves.” (*Ṣaḥīḥ*)

عَنْهَا: أَنَّ النَّبِيَّ ﷺ أَتَى بِطَبِئَةٍ فِيهَا خَزَرٌ فَقَسَمَهَا لِلْحَرَّةِ وَالْأَمَةِ قَالَتْ عَائِشَةُ: كَانَ أَبِي رَضِيَ اللَّهُ عَنْهُ يُقْسِمُ لِلْحُرِّ وَالْعَبْدِ.

تخریج: [إسناده صحيح] أخرجه أحمد: ۶/۲۳۸ من حديث محمد بن عبد الرحمن بن أبي ذئب به.

Comments:

Meaning, even though they do not get a specified share of the spoils of war, the Messenger of Allāh (ﷺ) would designate something for them.

2953. It was reported from ‘Awf bin Mālīk, that whenever the *Fai* came, the Messenger of Allāh ﷺ would divide (distribute) it the same day. He would give a married man two shares, and one share to a single person. Ibn Al-Muṣaffā (one of the narrators) added (in his version): “We were summoned, and I used to be summoned before ‘Ammār was. I was summoned, and he gave me two portions for I had a family, then he summoned ‘Ammār bin Yāsir after me, and he was given one portion.” (*Ṣaḥīḥ*)

۲۹۵۳ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ؛ ح: وَحَدَّثَنَا ابْنُ الْمُصَفَّى قَالَ: حَدَّثَنَا أَبُو الْمُغِيرَةِ جَمِيعًا عَنْ صَفْوَانَ بْنِ عَمْرٍو، عَنْ عَبْدِ الرَّحْمَنِ بْنِ جُبَيْرِ ابْنِ نَفِيرٍ، عَنْ أَبِيهِ، عَنْ عَوْفِ بْنِ مَالِكٍ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ إِذَا آتَاهُ الْفَيْءُ قَسَمَهُ فِي يَوْمِهِ فَأَعْطَى الْآهْلَ حَظَّيْنِ وَأَعْطَى الْعَزَبَ حَظًّا. زَادَ ابْنُ الْمُصَفَّى: فَدَعَيْنَا وَكُنْتُ أُدْعَى قَبْلَ عَمَّارٍ فَدَعَيْتُ فَأَعْطَانِي حَظَّيْنِ وَكَانَ لِي أَهْلٌ ثُمَّ دُعِيَ بَعْدِي عَمَّارُ بْنُ يَاسِرٍ فَأَعْطِيَ حَظًّا وَاحِدًا.

تخریج: [إسناده صحيح] أخرجه أحمد: ۶/۲۹ من حديث ابن المبارك به وصححه ابن الجارود، ح: ۱۱۱۲.

Chapter 14,15. Regarding Providing For Offspring

2954. It was reported from Jābir bin ‘Abdullāh who said: “The Messenger of Allāh ﷺ used to say: ‘I am more worthy of every believer than himself, so whoever leaves any wealth behind, it is for his family, and whoever leaves a debt or

(المعجم ۱۴، ۱۵) بَابُ: فِي أَرْزَاقِ الدُّرِّيَّةِ (التحفة ۱۵)

۲۹۵۴ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ جَعْفَرٍ، عَنْ أَبِيهِ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَقُولُ: «أَنَا أَوْلَى بِالْمُؤْمِنِينَ مِنْ أَنْفُسِهِمْ مَنْ تَرَكَ مَالًا فَلْأَهْلِهِ وَمَنْ تَرَكَ دَيْنًا أَوْ ضَيَاعًا فَلِإِيَّ

dependant behind, then it is upon me and to my responsibility.”^[1]

وَعَلَيَّ».

(*Ṣaḥīḥ*)

تخریج: [صحيح] أخرجه ابن ماجه، الصدقات، باب من ترك دينًا أو ضياعًا فعلى الله وعلى رسوله، ح: ٢٤١٦ من حديث سفيان الثوري به ورواه مسلم من حديث جعفر الصادق به انظر، ح: ٣٣٤٣.

2955. Abū Hurairah narrated that the Messenger of Allāh ﷺ said: “Whoever leaves behind wealth, then it is for his heirs, and whoever leaves a burden behind, then it is to be referred to us.” (*Ṣaḥīḥ*)

٢٩٥٥ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ عَنْ عَبْدِ بْنِ ثَابِتٍ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ وَمَنْ تَرَكَ كَلًّا فَلَيْنَا».

تخریج: أخرجه البخاري، الفرائض، باب ميراث الأسير، ح: ٦٧٦٣ ومسلم، الفرائض، باب من ترك مالا فلورثته، ح: ١٧/١٦١٩ من حديث شعبة به.

2956. It was reported from Jābir bin ‘Abdullāh, from the Prophet ﷺ, that he would say: “I am more worthy of every believer than himself. So any man who dies, and leaves a debt behind, then it is referred to me, and whoever leaves wealth behind, it is for his heirs.” (*Ḥasan*)

٢٩٥٦ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ كَانَ يَقُولُ: «أَنَا أَوْلَى بِكُلِّ مُؤْمِنٍ مِنْ نَفْسِهِ فَإِنَّمَا رَجُلٌ مَاتَ وَتَرَكَ دَيْنًا فَلِيَإِيَّ وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ».

تخریج: [حسن] أخرجه النسائي، الجنائز، باب الصلاة على من عليه دين، ح: ١٩٦٤ من حديث عبدالرزاق به وهو في مصنفه، ح: ١٥٢٥٧ ومسند أحمد: ٣/٢٩٦ وانظر، ح: ٣٣٤٣.

Chapter 15,16. The Age Upon Which A Man Is Entitled (To A Share) Due To Fighting

(المعجم ١٥، ١٦) بَابُ: مَتَى يُفْرَضُ لِلرَّجُلِ فِي الْمُقَاتَلَةِ (التحفة ١٦)

2957. It was reported from Nāfi', from Ibn ‘Umar that he was presented before the Prophet ﷺ on the Day of Uḥud, and he was fourteen, and he ﷺ did not allow him (to fight). He was presented to him on the Day of *Khandaq*, when

٢٩٥٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا يَحْيَى: حَدَّثَنَا عُثَيْدُ اللَّهِ: أَخْبَرَنِي نَافِعٌ عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ عَرَضَهُ يَوْمَ أُحُدٍ وَهُوَ ابْنُ أَرْبَعِ عَشْرَةَ فَلَمْ يُجِزْهُ وَعَرَضَهُ يَوْمَ الْخَنْدَقِ وَهُوَ ابْنُ خَمْسِ عَشْرَةَ سَنَةً فَأَجَّازَهُ.

^[1] Similar preceded, see no. 2899.

he was fifteen, and he allowed him.

(*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، المغازي، باب غزوة الخندق، ح: ٤٠٩٧ من حديث يحيى القطان به وهو في مسند أحمد: ١٧/٢.

Comments:

Some scholars use this narration to specify the age for fighting, as the author named the chapter.

Chapter 16,17. The Disapproval Of Taking Share In Later Times

(المعجم ١٦، ١٧) بَابُ: فِي كَرَاهِيَةِ الْاِفْتِرَاضِ فِي آخِرِ الزَّمَانِ (التحفة ١٧)

2958. It was reported from Sulaim bin Muṭair, who was a *Shaiḥh* from the people of Wādī Al-Qurā, he said: “Abū Muṭair narrated to me, that he went to perform *Hajj*. When he reached As-Suwaidā, a man came searching for a remedy or some *Hudād*,^[1] he said: ‘I was informed by someone who heard the Messenger of Allāh ﷺ during his farewell *Hajj* addressing the people, commanding and prohibiting them, so he said: “O people! Accept presents if they are presented, but if the Quraish quarrel about taking over the rule, and the presents are given for the religion of any one of you, then leave it.” (*Daʿīf*)

Abū Dāwud said: Ibn Al-Mubārak reported it from Muḥammad bin Yaṣār, from Sulaim bin Muṭair.

٢٩٥٨ - حَدَّثَنَا ابْنُ أَبِي الْخَوَارِئِ: حَدَّثَنَا سُلَيْمُ بْنُ مُطَيْرٍ شَيْخٌ مِنْ أَهْلِ وَادِي الْقُرَى قَالَ: حَدَّثَنِي أَبِي مُطَيْرٌ أَنَّهُ خَرَجَ حَاجًّا حَتَّى إِذَا كَانَ بِالسُّوَيْدَاءِ إِذَا أَنَا بِرَجُلٍ قَدْ جَاءَ كَأَنَّهُ يَطْلُبُ دَوَاءً أَوْ حُضْضًا وَقَالَ: أَخْبَرَنِي مَنْ سَمِعَ رَسُولَ اللَّهِ ﷺ فِي حَجَّةِ الْوُدَاعِ وَهُوَ يَعْطُ النَّاسَ وَيَأْمُرُهُمْ وَيَنْهَاهُمْ، فَقَالَ: «يَا أَيُّهَا النَّاسُ! خُذُوا الْعَطَاءَ مَا كَانَ عَطَاءً، فَإِذَا تَجَاحَفَتْ قُرَيْشٌ عَلَى الْمُلْكِ وَكَانَ عَنْ دِينٍ أَحَدِكُمْ فَدَعُوهُ».

قَالَ أَبُو دَاوُدَ: رَوَاهُ ابْنُ الْمُبَارَكِ عَنْ مُحَمَّدِ بْنِ يَسَارٍ عَنْ سُلَيْمِ بْنِ مُطَيْرٍ.

تخريج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ٢٣٨/٤ من حديث سليم بن مطير به وهو لين الحديث وأبوه مجهول الحال (تقريب) ورجل: مجهول، ورواه البيهقي: ٣٥٩/٦ من حديث أبي داود به.

2959. (Another chain) from Sulaim

٢٩٥٩ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا

[1] It is a type of remedy, and they disagree to exactly what it was, whether it was from camel urine, or from a particular tree or shrub.

bin Mutair, who was from the people of Wādī Al-Qurā, from his father, that he narrated to him; he said: "I heard a man say: 'I heard the Messenger of Allāh ﷺ, during his farewell *Hajj* commanding people and prohibiting them. Then he said: 'O Allāh! Have I not conveyed?' They said: 'O Allāh! Yes.' Then he said: 'When the Quraish quarrel among themselves about taking over the rule, and presents return — or becomes — as bribery, then leave it.'" It was said: "Who is this (the narrator)?" They said: "This is *Dhuz-Zawā'id*, a Companion of the Messenger of Allāh ﷺ." (*Ḍa'īf*)

تخريج: [ضعيف] انظر الحديث السابق، وأخرجه البيهقي ٣٥٩/٦ من حديث أبي داود به.

Chapter 17,18 Registering The Names Of Those Who Are Given Something

2960. It was reported from 'Abdullāh bin Ka'b bin Mālik Al-Anṣārī, that an army from the *Anṣār* was in the land of Persia with their commander. 'Umar used to send detachments every year in turns. 'Umar forgot (the rotator of troops) about them. When the time period passed, the detachment from the frontier returned back. He ('Umar) took serious action against them, and threatened them, though they were Companions of the Messenger of Allāh ﷺ. They replied: "O 'Umar! You forgot about us and neglected what the Messenger of Allāh ﷺ has ordered; to send detachments by turns." (*Hasan*)

سَلِمْتُ بَنُ مُطَيْرٍ مِنْ أَهْلِ وَادِي الْقُرَى عَنْ أَبِيهِ أَنَّهُ حَدَّثَهُ قَالَ: سَمِعْتُ رَجُلًا يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ فِي حَجَّةِ الْوَدَاعِ أَمَرَ النَّاسَ وَنَهَاهُمْ، ثُمَّ قَالَ: «اللَّهُمَّ! هَلْ بَلَّغْتُ؟» قَالُوا: اللَّهُمَّ! نَعَمْ، ثُمَّ قَالَ: «إِذَا تَجَاحَفَتْ فُرَيْشٌ عَلَى الْمُلْكِ فِيمَا بَيْنَهَا وَعَادَ الْعَطَاءُ - أَوْ كَانَ - رُشًا فَذَعُوهُ» فَقِيلَ: مَنْ هَذَا؟ قَالُوا: هَذَا ذُو الرِّوَايِدِ صَاحِبُ رَسُولِ اللَّهِ ﷺ.

(المعجم ١٧، ١٨) بَابُ: فِي تَذْوِينِ الْعَطَاءِ (التحفة ١٨)

٢٩٦٠ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ يَغْنِي ابْنُ سَعْدٍ: أَخْبَرَنَا ابْنُ شِهَابٍ عَنْ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ الْأَنْصَارِيِّ أَنَّ جَيْشًا مِنَ الْأَنْصَارِ كَانُوا بِأَرْضِ فَارِسَ مَعَ أَمِيرِهِمْ، وَكَانَ عُمَرُ يُعْقِبُ الْجُيُوشَ فِي كُلِّ عَامٍ، فَشَغَلَ عَنْهُمْ عُمَرُ، فَلَمَّا مَرَّ الْأَجَلَ قَتَلَ أَهْلَ ذَلِكَ الثَّغَرِ، فَاسْتَدَّ عَلَيْهِمْ وَتَوَاعَدَهُمْ وَهُمْ أَصْحَابُ رَسُولِ اللَّهِ ﷺ فَقَالُوا: يَا عُمَرُ! إِنَّكَ غَفَلْتَ عَنَّا وَتَرَكْتَ فِينَا الَّذِي أَمَرَ بِهِ رَسُولُ اللَّهِ ﷺ مِنْ إِعْقَابِ بَعْضِ الْعَرِيَّةِ بَعْضًا.

تخريج: [إسناده حسن] أخرجه البيهقي: ٢٩/٩ من حديث أبي داود به وصححه ابن الجارود، ح: ١٠٩٥ * ابن شهاب الزهري صرح بالسماع وعبدالله بن كعب سمعه من الصحابة وعن عمر كما هو الظاهر.

Comments:

During the *Khilāfah* of 'Umar, may Allāh be pleased with him, lists of Islamic fighters and others entitled to receive their shares from the spoils of war, were regularly prepared and categorized, in order of merit lest anyone be left out, and so that everyone gets his due. The delay on the part of 'Umar, may Allāh be pleased with him, was caused by the process of the preparation of these lists.

2961. It was reported by a son of 'Adī bin 'Adī Al-Kindī, that 'Umar bin 'Abdul-'Azīz wrote (to his governors): "Anybody who asks about the usages of the *Fai*", then tell them it should be according to what 'Umar bin Al-Khaṭṭāb, may Allāh be pleased with him, decided. The believers saw it a just ruling, in accordance with the saying of the Prophet ﷺ, 'Allāh has placed the truth upon Umar's tongue and in his heart.' He fixed stipends for the Muslims, and provided protection for the people of other religions by levying the *Jizyah* on them. He did not deduct one fifth from it, nor did he consider it spoils of war."

(*Ḍa'īf*)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٩٥/٦ من حديث أبي داود به * ابن عدي بن عدي: لم يسم ولا يعرف حاله (تقريب) ورواية عمر بن عبدالعزيز عن عمر بن الخطاب منقطعة، وحديث: إن الله جعل الحق على لسان عمر وقلبه، صحيح رواه الترمذي، ح: ٣٦٨٢ وابن حبان، ح: ٢١٨٤ وغيرهما.

2962. It was reported from Abū Dharr who said: "I heard the Messenger of Allāh ﷺ saying: 'Allāh, the Exalted, has placed the truth on 'Umar's tongue and he speaks according to it.'" (*Sahih*)

٢٩٦١ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ عَائِدٍ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا عِيسَى ابْنُ يُونُسَ: حَدَّثَنِي فَيْمَاءُ حَدَّثَهُ ابْنُ لَعْدِيٍّ بِنِ عَدِيٍّ الْكِنْدِيِّ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ كَتَبَ: أَنَّ مَنْ سَأَلَ عَنْ مَوَاضِعِ الْفَيْءِ فَهُوَ مَا حَكَمَ فِيهِ عُمَرُ بْنُ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ، فَرَأَاهُ الْمُؤْمِنُونَ عَدْلًا مُوَافِقًا لِقَوْلِ النَّبِيِّ ﷺ: «جَعَلَ اللَّهُ الْحَقَّ عَلَى لِسَانِ عُمَرَ وَقَلْبِهِ»، فَرَضَ الْأَعْطِيَّةَ لِلْمُسْلِمِينَ، وَعَقَدَ لِأَهْلِ الْأَذْيَانِ دِمَةً بِمَا فَرَضَ عَلَيْهِمْ مِنَ الْجِزْيَةِ لَمْ يَضْرِبْ فِيهَا بِخُمْسٍ وَلَا مَغْنَمٍ.

٢٩٦٢ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ عَنْ مَكْحُولٍ، عَنْ غُضَيْفِ بْنِ الْحَارِثِ، عَنْ أَبِي ذَرٍّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ تَعَالَى وَضَعَ الْحَقَّ عَلَى لِسَانِ عُمَرَ يَقُولُ بِهِ».

تخريج: [صحيح] أخرجه ابن ماجه، المقدمة، باب: في فضائل أصحاب رسول الله ﷺ فضل عمر رضي الله عنه، ح: ١٠٨ من حديث محمد بن إسحاق به وصرح بالسماع عند يعقوب الفارسي في كتاب المعرفة والتاريخ: ٤٦١/١ وصححه الحاكم على شرط الشيخين: ٨٧/٣ ووافقه الذهبي، ورواه عبادة بن نسي عن غصيف به أحمد: ١٤٥/٥ وللحديث شواهد كثيرة جداً، انظر الحديث السابق.

Chapter 18,19. Regarding Allocating A Special Portion (Safāyā) For The Messenger Of Allah ﷺ From Wealth

2963. It was reported from Mālik bin Aws bin Al-Ḥadathān said: “Umar sent for me when the day rose high, so I came to him. I found him lying on his mattress, reclining on a leather pillow. He said to me when I entered: ‘O Māl (Mālik)! Some people of your tribe who have families have come here. I have ordered some things to be given to them, so divide it among them.’ I said: ‘If you order someone else to do that (it would be better).’ He replied: ‘Take it.’ Then Yarfa’ came and said: ‘O Commander of the Believers! Will you permit ‘Uthmān bin ‘Affān, ‘Abdur-Raḥmān bin ‘Awf, Az-Zubair bin Al-‘Awwām and Sa’d bin Abī Al-‘Ās to enter?’ He said: ‘Yes.’ So he permitted, them and they entered. Then again Yarfa’ came and said: ‘O Commander of the Believers! Will you permit Al-‘Abbās and ‘Alī to enter?’ He replied: ‘Yes.’ So he permitted them, and they entered. Al-‘Abbās said: ‘O Commander of the Believers! Give your ruling between myself and this person,’ meaning ‘Alī. Some of them said:

(المعجم ١٨، ١٩) **بَابُ: فِي صَفَايَا رَسُولِ اللَّهِ ﷺ مِنَ الْأَمْوَالِ (التحفة ١٩)**

٢٩٦٣ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ وَمُحَمَّدُ ابْنُ يَحْيَى بْنُ فَارِسٍ الْمَعْنَى قَالَا: حَدَّثَنَا بِشْرُ ابْنُ عُمَرَ الزُّهْرَانِيُّ قَالَ: حَدَّثَنِي مَالِكُ بْنُ أَنَسٍ عَنْ ابْنِ شِهَابٍ، عَنْ مَالِكِ بْنِ أَوْسٍ بْنِ الْحَدَثَانِ قَالَ: أُرْسِلَ إِلَيَّ عُمَرُ جِئْنَا تَعَالَى النَّهَارُ فَجِئْتُهُ فَوَجَدْتُهُ جَالِسًا عَلَى سَرِيرٍ مُفْضِيًا إِلَى رِمَالِهِ، فَقَالَ جِئْنَا دَخَلْتُ عَلَيْهِ: يَا مَالُ! إِنَّهُ قَدْ دَفَّ أَهْلُ أَثْيَاتٍ مِنْ قَوْمِكَ وَإِنِّي قَدْ أَمَرْتُ فِيهِمْ بِشَيْءٍ فَافْسِمُ فِيهِمْ. قُلْتُ: لَوْ أَمَرْتَ غَيْرِي بِذَلِكَ، فَقَالَ: خُذْهُ، فَجَاءَهُ يَرْفَأُ، فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ! هَلْ لَكَ فِي عُثْمَانَ بْنِ عَفَّانَ وَعَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَالزُّبَيْرِ بْنِ الْعَوَّامِ وَسَعْدِ بْنِ أَبِي وَقَّاصٍ؟ قَالَ: نَعَمْ، فَأَذِنَ لَهُمْ فَدَخَلُوا، ثُمَّ جَاءَهُ يَرْفَأُ فَقَالَ: يَا أَمِيرَ الْمُؤْمِنِينَ! هَلْ لَكَ فِي الْعَبَّاسِ وَعَلِيٍّ؟ قَالَ: نَعَمْ، فَأَذِنَ لَهُمْ فَدَخَلُوا. قَالَ الْعَبَّاسُ: يَا أَمِيرَ الْمُؤْمِنِينَ! أَفْضِ بَيْنِي وَبَيْنَ هَذَا يَعْني عَلِيًّا فَقَالَ بَعْضُهُمْ: أَجَلُ يَا أَمِيرَ الْمُؤْمِنِينَ! أَفْضِ بَيْنَهُمَا وَأَرْحُهُمَا - قَالَ مَالِكُ بْنُ أَوْسٍ: خُيِّلَ إِلَيَّ أَنَّهُمَا قَدَمَا أُولَئِكَ

‘Yes, O Commander of the Believers! Decide between them and relieve them.’” — Mālik bin Aws said: “It occurred to me that they had sent these two ahead for this purpose. ‘Umar, may Allāh be pleased with him, said: ‘Take it easy and show patience.’ Then he faced towards those who were present there and said: ‘I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you know that the Messenger of Allāh ﷺ said: “We have no heirs, whatever we leave behind is *Ṣadaqah* (charity)?”’ They said: ‘Yes.’ Then he faced towards ‘Alī and Al-‘Abbās, may Allāh be pleased with them, and he said: ‘I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you two know that the Messenger of Allāh ﷺ said: “We have no heirs, whatever we leave is *Ṣadaqah* (charity)?”’ Both of them said: ‘Yes.’ He said: ‘Allāh has appointed for the Messenger of Allāh ﷺ a special amount which He has not appointed to anyone. Allāh, Most High said: “And what Allāh gave as *Fai*’ to His Messenger from them — for this you made no exception with either cavalry or camelry. But Allāh gives power to His Messengers over whomsoever he wills. And Allāh is Able to do all things.^[1] Allāh had bestowed on His Messenger the property of Banū An-Naḍir. By

النَّفَرِ لَذَلِكَ - فَقَالَ عُمَرُ رَضِيَ اللَّهُ عَنْهُ: ائْتِدَا، ثُمَّ أَقْبَلَ عَلَى أَوْلَيْكَ الرَّهْطِ فَقَالَ: اأُنْشِدُكُمْ بِاللهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ هَلْ تَعْلَمُونَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورِثُ مَا تَرَكْنَا صَدَقَةً؟» قَالُوا: نَعَمْ، ثُمَّ أَقْبَلَ عَلَى عَلِيٍّ وَالْعَبَّاسِ رَضِيَ اللَّهُ عَنْهُمَا فَقَالَ: اأُنْشِدُكُمَا بِاللهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ هَلْ تَعْلَمَانِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورِثُ مَا تَرَكْنَا صَدَقَةً»، فَقَالَا: نَعَمْ. قَالَ: فَإِنَّ اللَّهَ خَصَّ رَسُولَ اللَّهِ ﷺ بِخَاصَّةٍ لَمْ يَخْصُصْ بِهَا أَحَدًا مِنَ النَّاسِ، فَقَالَ اللَّهُ تَعَالَى: ﴿وَمَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْهُم مِمَّا أَوْجَفْتُمْ عَلَيْهِ مِنْ خَيْلٍ وَلَا رِكَابٍ وَلَكِنَّ اللَّهَ يُسَلِّطُ رُسُلَهُ عَلَى مَنْ يَشَاءُ وَاللَّهُ عَلَى كُلِّ شَيْءٍ قَدِيرٌ﴾ [الحشر: 6] فَكَانَ اللَّهُ تَعَالَى آفَاءً عَلَى رَسُولِهِ بَنِي النَّصِيرِ، فَوَالله! مَا اسْتَأْثَرَ بِهَا عَلَيْكُمْ وَلَا أَخَذَهَا دُونَكُمْ، وَكَانَ رَسُولُ اللَّهِ ﷺ يَأْخُذُ مِنْهَا نَفَقَةَ سِنَةٍ أَوْ نَفَقَتَهُ وَنَفَقَةَ أَهْلِهِ سَنَةً وَيَجْعَلُ مَا بَقِيَ أُسُوءَ الْمَالِ. ثُمَّ أَقْبَلَ عَلَى أَوْلَيْكَ الرَّهْطِ فَقَالَ: اأُنْشِدُكُمْ بِاللهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ هَلْ تَعْلَمُونَ ذَلِكَ؟ قَالُوا: نَعَمْ. ثُمَّ أَقْبَلَ عَلَى الْعَبَّاسِ وَعَلَى رَضِيَ اللَّهُ عَنْهُمَا فَقَالَ: اأُنْشِدُكُمَا بِاللهِ الَّذِي بِإِذْنِهِ تَقُومُ السَّمَاءُ وَالْأَرْضُ هَلْ تَعْلَمَانِ ذَلِكَ؟ قَالَا: نَعَمْ، فَلَمَّا تُوفِّي رَسُولُ اللَّهِ ﷺ

[1] *Al-Hashr* 59:6.

Allāh! He did not reserve it for himself, neither did he take it and exclude you. The Messenger of Allāh ﷺ used to take expenses for one year from it, or he used to take of the expenses for himself and his family for a year. Then he would take whatever surplus there was and deal with it as the rest of Allāh's property.' Then he turned towards those people and said: 'I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you know that?' They said: 'Yes.' Then he faced towards Al-'Abbās and 'Alī, may Allāh be pleased with them, and said: 'I adjure you by Allāh, the One by Whose order the heaven and the earth stand. Do you two know that?' Both of them said: 'Yes.' (He said) 'After the death of the Messenger of Allāh ﷺ, Abū Bakr said: "I am the *Walī* of the Messenger of Allāh ﷺ." You and this one ('Alī) came to Abū Bakr, may Allāh be pleased with him; you demanding your share of the inheritance, from your nephew and him demanding the share of the inheritance for his wife, from her father. Abū Bakr said: "The Messenger of Allāh ﷺ said: 'We (the Messenger's of Allāh) do not have heirs, whatever we leave is *Ṣadaqah* (charity)?' Allāh knows best that he was sincere, faithful, rightly guided and a follower of the truth. Abū Bakr then administered the property. When he died I said: "I am the *Walī* of the Messenger of Allāh ﷺ and the *Walī* of Abū

قال أبو بكر: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ، فَجِئْتُ أَنْتَ وَهَذَا إِلَى أَبِي بَكْرٍ رَضِيَ اللَّهُ عَنْهُ، تَطْلُبُ أَنْتَ مِيرَاثَكَ مِنْ ابْنِ أَخِيكَ، وَتَطْلُبُ هَذَا مِيرَاثَ امْرَأَتِهِ مِنْ أَبِيهَا، فَقَالَ أَبُو بَكْرٍ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تُورَثُ مَا تَرَكْنَا صَدَقَةً»، وَاللَّهُ يَعْلَمُ أَنَّهُ صَادِقٌ بَارٌّ رَاشِدٌ تَابِعٌ لِلْحَقِّ، فَوَلِيهَا أَبُو بَكْرٍ، فَلَمَّا تُوْفِّي قُلْتُ: أَنَا وَلِيُّ رَسُولِ اللَّهِ ﷺ وَوَلِيُّ أَبِي بَكْرٍ فَوَلِيَّتُهَا مَا شَاءَ اللَّهُ أَنْ أَلِيَهَا فَجِئْتُ أَنْتَ وَهَذَا وَأَنْتُمَا جَمِيعٌ وَأَمْرُكُمَا وَاجِدٌ فَسَأَلْتُمَانِيهَا، فَقُلْتُ: إِنْ شِئْتُمَا أَنْ أَدْفَعَهَا إِلَيْكُمَا، عَلَى أَنَّ عَلَيْنَا عَهْدَ اللَّهِ أَنْ تَلِيَاهَا بِالَّذِي كَانَ رَسُولُ اللَّهِ ﷺ يَلِيهَا فَأَخَذْتُمَاهَا مِنِّي عَلَى ذَلِكَ ثُمَّ جِئْتُمَانِي لِأَقْضِي بَيْنَكُمَا بِغَيْرِ ذَلِكَ وَاللَّهُ! لَا أَقْضِي بَيْنَكُمَا بِغَيْرِ ذَلِكَ حَتَّى تَقُومَ السَّاعَةُ فَإِنْ عَجَزْتُمَا عَنْهَا فَرَدَّاهَا إِلَيَّ.

قَالَ أَبُو دَاوُدَ: إِنَّمَا سَأَلَهُ أَنْ يَكُونَ يُصِيرُهُ بَيْنَهُمَا نِصْفَيْنِ لَا أَنَّهُمَا جَهْلًا أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا تُورَثُ مَا تَرَكْنَا صَدَقَةً»، فَانْتَهَمَا كَانَا لَا يَطْلُبَانِ إِلَّا الصَّوَابَ، فَقَالَ عُمَرُ: لَا أَوْقِعْ عَلَيْهِ اسْمَ الْقَسَمِ أَدْعُهُ عَلَى مَا هُوَ عَلَيْهِ.

Bakr.” Then I administered whatever Allāh wished me to administer. Then you and this one (‘Alī) came, and both of you are as one, and your matter is the same. You asked me for it (the property) and I said: “If you wish I would give it to you two, on the condition that the covenant of Allāh is binding upon you two; that you will administer it the way the Messenger of Allāh ﷺ used to do. You two accepted it from me on that condition. Then, now you two come to me so that I can decide between you two other than that. By Allāh! I will not decide between you two with anything else until the Hour is established. If you two cannot fulfill it then return it back to me.” (*Ṣaḥīḥ*)

Abū Dāwud said: They had requested to divide it equally between them, not that they were ignorant of the fact that the Prophet ﷺ said: “We do not have heirs, whatever we leave is *Ṣadaqah* (charity).” They were only seeking what is correct. So ‘Umar said: “I do not want to apply the term ‘division’ to it. I will leave it as it is.”

تخريج: أخرجه مسلم، الجهاد والسير، باب حكم الفئ، ح: ١٧٥٧ من حديث مالك والبخاري، الاعتصام بالكتاب والسنة، باب ما يكره من التعمق والتنازع في العلم ... إلخ، ح: ٧٣٠٥ وغيره من حديث ابن شهاب الزهري به.

2964. (Another chain) from Mālik bin Aws, with this narration, and he said: “ ‘Alī and Al-‘Abbās were of different opinion about what Allāh had bestowed on His

٢٩٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عُيَيْدٍ قَالَ:

حَدَّثَنَا مُحَمَّدُ بْنُ ثَوْرٍ عَنْ مَعْمَرٍ، عَنْ الزُّهْرِيِّ، عَنْ مَالِكِ بْنِ أَوْسٍ بِهَذِهِ الْقِصَّةِ

Messenger ﷺ from the property of Banu An-Naḍir.” (*Ṣaḥīḥ*)

Abū Dāwūd said: He (‘Umar) did not want the term “division” to be used for it.

قَالَ: وَهُمَا يَعْني عَلِيًّا وَالْعَبَّاسَ، يَخْتَصِمَانِ فِيمَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ ﷺ مِنْ أَمْوَالِ بَنِي النَّضِيرِ.

قَالَ أَبُو دَاوُدَ: أَرَادَ أَنْ لَا يُوقَعَ عَلَيْهِ اسْمُ قَسْمٍ.

تخريج: [صحيح] انظر الحديث السابق.

2965. It was reported from ‘Umar, who said: “The properties of Banū An-Naḍir were part of what Allāh had bestowed on His Messenger from that which the Muslims had not ridden horses or camels to get (i.e., without a fight). It belonged specifically to the Messenger of Allāh ﷺ. He would take his annual expenses from it for his family members” — Ibn ‘Abdah (one of the narrators) said: “spending it on his family” — “and then whatever remained, he would use it for horses and necessary arrangements in the cause of Allāh.” Ibn ‘Abdah said: “For horses and weapons.” (*Ṣaḥīḥ*)

٢٩٦٥ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ وَأَحْمَدُ بْنُ عَبْدِ الْمَعْنَى، أَنَّ سُفْيَانَ بْنَ عُيَيْنَةَ أَخْبَرَهُمْ عَنْ عَمْرِو بْنِ دِينَارٍ، عَنْ الزُّهْرِيِّ، عَنْ مَالِكِ بْنِ أَوْسٍ بْنِ الْحَدَّثَانِ، عَنْ عُمَرَ قَالَ: كَانَتْ أَمْوَالُ بَنِي النَّضِيرِ مِمَّا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِمَّا لَمْ يُوجِفِ الْمُسْلِمُونَ عَلَيْهِ بِخَيْلٍ وَلَا رِكَابٍ، كَانَتْ لِرَسُولِ اللَّهِ ﷺ خَالِصًا يُنْفَقُ عَلَى أَهْلِ بَيْتِهِ - قَالَ ابْنُ عَبْدِ: يُنْفَقُ عَلَى أَهْلِهِ - فَوُتَ سَنَةٌ فَمَا بَقِيَ جَعَلَ فِي الْكُرَاعِ وَعُدَّةً فِي سَبِيلِ اللَّهِ. قَالَ ابْنُ عَبْدِ: فِي الْكُرَاعِ وَالسَّلَاحِ.

تخريج: أخرجه البخاري، الجهاد والسير، باب المعجن ومن يترس بترس صاحبه، ح: ٢٩٠٤ ومسلم، الجهاد والسير، باب حكم الفياء، ح: ١٧٥٧ من حديث سفیان بن عیینة به.

2966. It was reported from Az-Zuhri, who said: “‘Umar, said: “And what Allāh gave as *Fai*’ to His Messenger from them — for this you made no exception with either cavalry or camelry”^[1] — “This belongs specifically to the Messenger of Allāh ﷺ. Lands of ‘Urainah, Fadak and thus, and thus

٢٩٦٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا إِسْمَاعِيلُ ابْنُ إِبْرَاهِيمَ: أَخْبَرَنَا أَيُّوبُ عَنْ الزُّهْرِيِّ قَالَ: قَالَ عُمَرُ: «وَمَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْهُمْ فَمَا أَوْجَفْتُمْ عَلَيْهِ مِنْ خَيْلٍ وَلَا رِكَابٍ» [الحشر: ٦]. قَالَ الزُّهْرِيُّ: قَالَ عُمَرُ: هَذِهِ لِرَسُولِ اللَّهِ ﷺ خَاصَّةً، قُرَى عُرَيْنَةَ فَذَلِكَ

[1] *Al-Hashr*: 59:6.

(What Allāh gave as *Fai'* to His Messenger from the people of the townships — it is for Allāh, His Messenger, the kindred (of the Messenger Muhammad ﷺ), the orphans, Al-Maṣakīn (the poor), and the wayfarer)^[1] And to the indigent emigrants who were expelled from their homes and their properties. And those who, before them, had homes (in Al-Madīnah), and had faith in their hearts, and those who came after them. This verse has covered all of the people. There was no Muslim left but had a right in it.” — Ayyūb (one of the narrators) said (in his version): “or share — except for the slaves.” (*Ḍaʿīf*)

تخريج: [إسناده ضعيف] قال المنذري: "هذا منقطع، الزهري لم يسمع من عمر".

2967. (Another chain) from Mālik bin Aws bin Al-Ḥadathān, who said: “Among the arguments which ‘Umar put forward was: ‘The Messenger of Allāh ﷺ had received three things exclusively for himself. (The properties at) Banū An-Naḍīr, Khaibar and Fadak. Banū An-Naḍīr was kept for his apparent needs. Fadak was kept for travelers. Khaibar was divided by the Messenger of Allāh ﷺ into three parts: Two parts were for Muslims, and one part for expenses on his family. Whatever remained after the expenses on his family, he would divide it among the poor emigrants.” (*Ḍaʿīf*)

وَكَذَا وَكَذَا ﴿مَّا آفَاءَ اللَّهُ عَلَى رَسُولِهِ مِنْ أَهْلِ
الْقَرْيَةِ فَلِلَّهِ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسْكِينِ
وَالْأَنْسَابِ﴾ [الحشر: ٧] وَلِلْفُقَرَاءِ الَّذِينَ
أُخْرِجُوا مِنْ دِيَارِهِمْ وَأَمْوَالِهِمْ، وَالَّذِينَ
تَبَوَّءُوا الدَّارَ وَالْإِيمَانَ مِنْ قَبْلِهِمْ، وَالَّذِينَ
جَاءُوا مِنْ بَعْدِهِمْ. فَاسْتَوْعَبَتْ هَذِهِ الْآيَةُ
النَّاسَ، فَلَمْ يَبْقَ أَحَدٌ مِنَ الْمُسْلِمِينَ إِلَّا لَهُ
فِيهَا حَقٌّ - قَالَ أَيُّوبُ: أَوْ قَالَ حَظٌّ - إِلَّا
بَعْضَ مَنْ تَمْلِكُونَ مِنْ أَرْقَائِكُمْ.

٢٩٦٧ - حَدَّثَنَا هِشَامُ بْنُ عَمَّارٍ: حَدَّثَنَا
حَاتِمُ بْنُ إِسْمَاعِيلَ؛ ح: وَحَدَّثَنَا سُلَيْمَانُ بْنُ
دَاوُدَ الْمَهْرِيُّ قَالَ: أَخْبَرَنَا ابْنُ وَهْبٍ قَالَ:
أَخْبَرَنِي عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ؛ ح: وَحَدَّثَنَا
نَصْرُ بْنُ عَلِيٍّ قَالَ: أَخْبَرَنَا صَفْوَانُ بْنُ عَيْسَى
- وَهَذَا لَفْظُ حَدِيثِهِ - كُلُّهُمْ عَنْ أُسَامَةَ بْنِ
زَيْدٍ، عَنِ الزُّهْرِيِّ، عَنْ مَالِكِ بْنِ أَوْسٍ بِنِ
الْحَدَّثَانِ قَالَ: كَانَ فِيمَا احْتَجَّ بِهِ عُمَرُ أَنَّهُ
قَالَ: كَانَتْ لِرَسُولِ اللَّهِ ﷺ ثَلَاثُ صَفَايَا:
بَنُو النَّضِيرِ وَخَيْبَرُ وَفَدَكُ، فَأَمَّا بَنُو النَّضِيرِ
فَكَانَتْ حُبْسًا لِنَوَائِبِهِ وَأَمَّا فَدَكُ فَكَانَتْ حُبْسًا
لِبَنَاءِ السَّبِيلِ وَأَمَّا خَيْبَرُ فَجَزَّأَهَا رَسُولُ اللَّهِ

[1] Al-Hashr 59:7.

ﷺ ثَلَاثَةٌ أَجْزَاءٍ: جُزْأَيْنِ بَيْنَ الْمُسْلِمِينَ وَجُزْءًا نَفَقَةً أَهْلُهُ فَمَا فَضَلَ عَنْ نَفَقَةِ أَهْلِهِ جَعَلَهُ بَيْنَ فُقَرَاءِ الْمُهَاجِرِينَ.

تخریج: [إسناده ضعيف] أخرجه البيهقي: ٥٩/٧ من حديث أبي داود به وللحديث طرق * الزهري صرح بالسماع في أصل الحديث ولكنه عنن في هذا اللفظ.

2968. It was reported from 'Āishah, the wife of the Prophet ﷺ, that she said: "Fāṭimah, the daughter of the Messenger of Allāh ﷺ, sent someone to Abū Bakr demanding her inheritance from the Messenger of Allāh ﷺ from what Allāh had bestowed on him from Al-Madīnah, Fadak and whatever remained of the *Khumus* of Khaibar. Abū Bakr said: 'The Messenger of Allāh ﷺ said: "We do not have heirs, whatever we leave is *Ṣadaqah* (charity). The family of Muḥammad shall only eat from this property." By Allāh! I will not change anything in the *Ṣadaqah* (charity) of the Messenger of Allāh ﷺ from what it was in the time of the Messenger of Allāh ﷺ. I will deal with it the way the Messenger of Allāh ﷺ did.' Abū Bakr refused to give anything to Fāṭimah from it." (*Ṣaḥīḥ*)

٢٩٦٨ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ بْنِ عَبْدِ اللَّهِ ابْنِ مَوْهَبٍ الْهَمْدَانِيُّ: حَدَّثَنَا اللَّيْثُ بْنُ سَعْدٍ عَنْ عُقَيْلِ بْنِ خَالِدٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ زَوْجِ النَّبِيِّ ﷺ أَنَّهَا أَخْبَرَتْهُ أَنَّ فَاطِمَةَ بِنْتَ رَسُولِ اللَّهِ ﷺ أَرْسَلَتْ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ تَسْأَلُهُ مِيرَاثَهَا مِنْ رَسُولِ اللَّهِ ﷺ مِمَّا آفَاءَ اللَّهُ عَلَيْهِ بِالْمَدِينَةِ وَفَدَكَ وَمَا بَقِيَ مِنْ خُمْسِ خَيْبَرَ، فَقَالَ أَبُو بَكْرٍ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورِثُ مَا تَرَكْنَا صَدَقَةً، إِنَّمَا يَأْكُلُ آلُ مُحَمَّدٍ مِنْ هَذَا الْمَالِ»، وَإِنِّي وَاللَّهِ! لَا أُغَيِّرُ شَيْئًا مِنْ صَدَقَةِ رَسُولِ اللَّهِ ﷺ عَنْ حَالِهَا الَّتِي كَانَتْ عَلَيْهَا فِي عَهْدِ رَسُولِ اللَّهِ ﷺ فَلَا عَمَلَ فِيهَا بِمَا عَمِلَ بِهِ رَسُولُ اللَّهِ ﷺ، فَأَبَى أَبُو بَكْرٍ أَنْ يَدْفَعَ إِلَى فَاطِمَةَ مِنْهَا شَيْئًا.

تخریج: أخرجه البخاري، المغازي، باب غزوة خيبر، ح: ٤٢٤٠، ٤٢٤١ ومسلم، الجهاد والسير، باب قول النبي ﷺ: "لا نورث ما تركنا فهو صدقة"، ح: ١٧٥٩ من حديث الليث بن سعد به.

2969. It was reported from 'Urwah bin Zubair, that 'Āishah, the wife of the Prophet ﷺ, informed him of this *Ḥadīth*. He said: "Fāṭimah was seeking the *Ṣadaqah* (charity) of

٢٩٦٩ - حَدَّثَنَا عَمْرُو بْنُ عُثْمَانَ الْجَمَصِيُّ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعَيْبُ بْنُ أَبِي حَمْرَةَ عَنْ الزُّهْرِيِّ قَالَ: حَدَّثَنِي عُرْوَةُ بْنُ

the Messenger of Allāh ﷺ which was in Al-Madīnah, Fadak and whatever remained of the *Khumus* of Khaibar. ‘Aishah said: ‘Abū Bakr replied: “The Messenger of Allāh ﷺ said: ‘We do not have heirs, whatever we leave is *Ṣadaqah* (charity). The family of Muḥammad shall only eat from this property.’ That is from the property of Allāh. They are not entitled to more than their provision.” (*Ṣaḥīḥ*)

الرُّبَيْرِ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ ﷺ أَخْبَرَتْهُ بِهَذَا الْحَدِيثِ قَالَ: وَقَاطِمَةُ حِينَئِذٍ تَطْلُبُ صَدَقَةَ رَسُولِ اللَّهِ ﷺ الَّتِي بِالْمَدِينَةِ وَفَدَكَ وَمَا بَقِيَ مِنْ حُمْسٍ خَيْرٍ. قَالَتْ عَائِشَةُ: فَقَالَ أَبُو بَكْرٍ: إِنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا نُورَثُ مَا تَرَكْنَا صَدَقَةً، وَإِنَّمَا يَأْكُلُ آلُ مُحَمَّدٍ فِي هَذَا الْمَالِ» يَعْنِي مَالَ اللَّهِ لَيْسَ لَهُمْ أَنْ يَزِيدُوا عَلَى الْمَالِ.

تخريج: أخرجه البخاري، فضائل أصحاب النبي ﷺ، باب مناقب قرابة رسول الله ﷺ ... إلخ، ح: ٣٧١١، ٣٧١٢ من حديث شعيب به، وانظر الحديث السابق.

2970. It was reported from Ibn Shihāb, that ‘Urwah informed him, that ‘Aishah informed him of this *Hadīth*, she added: “Then Abū Bakr refused to grant her, and said: ‘I am not going to leave anything which the Messenger of Allāh ﷺ used to do, but I shall do it. I fear that if I leave any matter which he used to do then I will deviate (from the Right Path).’ As regards to the *Ṣadaqah* (charity) in Al-Madīnah; ‘Umar gave it to ‘Alī and ‘Abbās, which was dominated by ‘Alī. As for Khaibar and Fadak; ‘Umar held it and said: ‘They are *Ṣadaqah* (charity) of the Messenger of Allāh ﷺ. It was exclusively reserved for his expenditures and urgent needs. Their management was entrusted to the one in authority (after The Prophet ﷺ). He (Az-Zuhri) said: “And it remain like that until today.” (*Ṣaḥīḥ*)

٢٩٧٠ - حَدَّثَنَا حَجَّاجُ بْنُ أَبِي يَعْقُوبَ: حَدَّثَنِي يَعْقُوبُ يَعْنِي ابْنَ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنِي أَبِي عَنْ صَالِحٍ، عَنْ ابْنِ شِهَابٍ: أَخْبَرَنِي عُرْوَةُ أَنَّ عَائِشَةَ أَخْبَرَتْهُ بِهَذَا الْحَدِيثِ قَالَ فِيهِ: فَأَبَى أَبُو بَكْرٍ عَلَيْهَا ذَلِكَ وَقَالَ: لَسْتُ تَارِكًا شَيْئًا كَانَ رَسُولُ اللَّهِ ﷺ يَعْمَلُ بِهِ إِلَّا عَمِلْتُ بِهِ إِنِّي أَخْشَى أَنْ تَرَكْتُ شَيْئًا مِنْ أَمْرِهِ أَنْ أَزِيعَ، فَأَمَّا صَدَقَتُهُ بِالْمَدِينَةِ فَدَفَعَهَا عُمَرُ إِلَى عَلِيٍّ وَعَبَّاسٍ، فَغَلَبَهُ عَلِيٌّ عَلَيْهَا. وَأَمَّا خَيْرٌ وَفَدَكَ فَأَمْسَكَهُمَا عُمَرُ وَقَالَ: هُمَا صَدَقَةُ رَسُولِ اللَّهِ ﷺ كَانَتَا لِحَقُوقِهِ الَّتِي تَعْرِوهُ وَنَوَائِيبِهِ وَأَمْرُهُمَا إِلَى مَنْ وَلِيَ الْأَمْرَ. قَالَ: فَهُمَا عَلَى ذَلِكَ إِلَى الْيَوْمِ.

تخريج: أخرجه البخاري، فرض الخمس، باب فرض الخمس، ح: ٣٠٩٢ من حديث إبراهيم

ابن سعد به، انظر ح: ٢٩٦٨.

2971. It was reported from Az-Zuhrī, regarding Allāh's saying: "For this you made no exception with either cavalry or camelry"^[1] He said: "The Prophet ﷺ concluded a treaty of peace with the people of Fadak — and townships he mentioned which I do not remember — while he was blockading other people. They sent a message to surrender." He said: "For this you made no exception with either cavalry or camelry — it means without a fight." Az-Zuhrī said: "Banū An-Naḍir used to be exclusively for the Prophet ﷺ, as they had not conquered it by fighting. They had conquered them by capitulation, so the Prophet ﷺ divided it among the *Muhājirīn* and he did not give anything to the *Anṣār*, except for two men, as they were needy." (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٩٦/٦ من حديث أبي داود به * السند مرسل.

2972. It was reported from Al-Mughīrah who said: "Umar bin 'Abdul-'Azīz gathered the family of Marwān when he was appointed as the *Khalīfah*, and he said: 'Fadak belonged to the Messenger of Allāh ﷺ. He used to disburse from it, and showing kindness to the young of Banū Hāshim, contributing towards the marriage of those who were not married. Fāṭimah requested to grant it to

٢٩٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ: حَدَّثَنَا
ابْنُ ثَوْرٍ عَنْ مَعْمَرٍ، عَنِ الزُّهْرِيِّ فِي قَوْلِهِ:
﴿فَمَا أَوْجَفْتُمْ عَلَيْهِ مِنْ خَيْلٍ وَلَا رِكَابٍ﴾
[الحشر: ٦] قال: صَلَحَ النَّبِيُّ ﷺ أَهْلَ فَدَكٍ
- وَفُرِيَ قَدْ سَمَاهَا لَا أَحْفَظُهَا - وَهُوَ
مُحَاصِرُ قَوْمًا آخَرِينَ فَأَرْسَلُوا إِلَيْهِ بِالصُّلْحِ،
قال: ﴿فَمَا أَوْجَفْتُمْ عَلَيْهِ مِنْ خَيْلٍ وَلَا رِكَابٍ﴾
يَقُولُ: بِغَيْرِ قِتَالٍ. قال الزُّهْرِيُّ: وَكَانَتْ بَنُو
النَّضِيرِ لِلنَّبِيِّ ﷺ خَالِصًا لَمْ يَنْتَحُوهَا عَنْوَةً
اِفْتَحَوْهَا عَلَى صُلْحٍ فَفَسَمَهَا النَّبِيُّ ﷺ بَيْنَ
الْمُهَاجِرِينَ لَمْ يُعْطِ الْأَنْصَارَ مِنْهَا شَيْئًا إِلَّا
رَجُلَيْنِ كَانَتْ بِهِمَا حَاجَةٌ.

٢٩٧٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْجَرَّاحِ:
حَدَّثَنَا جَرِيرٌ عَنِ الْمُغِيرَةِ قَالَ: جَمَعَ عُمَرُ بْنُ
عَبْدِ الْعَزِيزِ بَنِي مَرْوَانَ حِينَ اسْتُخْلِفَ فَقَالَ:
إِنَّ رَسُولَ اللَّهِ ﷺ كَانَتْ لَهُ فَدَكٌ فَكَانَ يُنْفِقُ
نُهَا وَيَعُوذُ مِنْهَا عَلَى صَغِيرِ بَنِي هَاشِمٍ
وَيُزَوِّجُ مِنْهَا أَيْمَهُمْ وَإِنَّ فَاطِمَةَ سَأَلَتْهُ أَنْ
يَجْعَلَهَا لَهَا فَابَى فَكَانَتْ كَذَلِكَ فِي حَيَاةِ
رَسُولِ اللَّهِ ﷺ حَتَّى مَضَى لِسَبِيلِهِ، فَلَمَّا أَنْ

[1] *Al-Hashr* 59:6.

her, but he refused. The matter was like that in the life of the Messenger of Allāh ﷺ until he died. When Abū Bakr became the *Khalīfah*, he resumed what the Prophet ﷺ did in his lifetime until he died. When ‘Umar became the *Khalīfah* he resumed what they had done until he died. Then it was taken by Marwan, and then it came afterwards to ‘Umar bin ‘Abdul-‘Azīz. ‘Umar, meaning Ibn ‘Abdul-‘Azīz said: ‘I regard that I have no right to something which the Prophet ﷺ did not give Fāṭimah. I make you all witness that I am returning it back to its former condition.’ Meaning (as it was) during the time of the Messenger of Allāh ﷺ.” (*Da‘if*)

Abū Dāwūd said: When ‘Umar bin ‘Abdul-‘Azīz became *Khalīfah* its revenue was forty thousand Dinārs, and when he died it was four hundred Dinārs. Had he lived longer it would have become less.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٠١/٦ من حديث أبي داود به * السند منقطع.

2973. It was reported from Abū Aṭ-Ṭufāil who said: “Fāṭimah came to Abū Bakr requesting her inheritance from the Prophet ﷺ. Abū Bakr said: ‘I heard the Messenger of Allāh ﷺ say: “If Allāh bestows on a Prophet some means of sustenance then it goes to who maintains it after him.”’ (*Hasan*)

وُلِّيَ أَبُو بَكْرٍ عَمِلَ فِيهَا بِمَا عَمِلَ النَّبِيُّ ﷺ فِي حَيَاتِهِ حَتَّى مَضَى لِسَبِيلِهِ، فَلَمَّا أَنْ وُلِّيَ عُمَرُ عَمِلَ فِيهَا بِمِثْلِ مَا عَمِلَا حَتَّى مَضَى لِسَبِيلِهِ، ثُمَّ أَقْطَعَهَا مَرْوَانُ ثُمَّ صَارَتْ لِعُمَرَ ابْنِ عَبْدِ الْعَزِيزِ قَالَ عُمَرُ: يَعْنِي ابْنُ عَبْدِ الْعَزِيزِ، فَرَأَيْتُ أَمْرًا مَنَعَهُ النَّبِيُّ ﷺ فَاطِمَةَ لَيْسَ لِي بِحَقٍّ، وَإِنِّي أَشْهَدُكُمْ أَنِّي قَدْ رَدَدْتُهَا عَلَى مَا كَانَتْ يَعْنِي عَلَى عَهْدِ رَسُولِ اللَّهِ ﷺ.

قَالَ أَبُو دَاوُدَ: وَُلِّيَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ الْخِلَافَةَ وَعَلَّتْهُ أَرْبَعُونَ أَلْفَ دِينَارٍ وَتُوفِّيَ وَعَلَّتْهُ أَرْبَعُمِائَةِ دِينَارٍ وَلَوْ بَقِيَ لَكَانَ أَقَلَّ.

٢٩٧٣ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا مُحَمَّدُ بْنُ الْفَضْلِ عَنِ الْوَلِيدِ بْنِ جُمَيْعٍ، عَنْ أَبِي الطُّفَيْلِ قَالَ: جَاءَتْ فَاطِمَةُ إِلَى أَبِي بَكْرٍ تَطْلُبُ مِيرَاثَهَا مِنَ النَّبِيِّ ﷺ قَالَ: فَقَالَ أَبُو بَكْرٍ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ إِذَا أَطْعَمَ نَبِيًّا طُعْمَةً فَهِيَ لِلَّذِي يَقُومُ مِنْ بَعْدِهِ».

تخريج: [إسناده حسن] أخرجه أحمد: ٤/١ من حديث محمد بن فضيل بن غزوان به وزاد: "قالت فاطمة رضي الله عنها: فأنت، وما سمعت من رسول الله ﷺ".

2974. Abū Hurairah narrated the Messenger of Allāh ﷺ as saying: "None of my heirs will divide any Dinārs. Whatever I leave after the expenses for my wives and my employees will be *Ṣadaqah* (charity)." (*Ṣaḥīḥ*)

Abū Dāwud said: "Expenses for my employees" means workers or laborers on the land.

٢٩٧٤ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنْ أَبِي الزِّنَادِ، عَنْ الْأَعْرَجِ، عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «لَا يَقْسِمُ وَرَثَتِي دِينَارًا، مَا تَرَكْتُ بَعْدَ نَفَقَةِ نِسَائِي وَمُؤُونَةِ عَامِلِي فَهَوَ صَدَقَةٌ». قَالَ أَبُو دَاوُدَ: مُؤُونَةُ عَامِلِي يَعْنِي أَكْرَةَ الْأَرْضِ.

تخريج: أخرجه البخاري، فرض الخمس، باب نفقة نساء النبي ﷺ بعد وفاته، ح: ٣٠٩٦، ومسلم، الجهاد والسير، باب قول النبي ﷺ: "لا نورث ما تركنا فهو صدقة، ح: ١٧٦٠ من حديث مالك به، وهو في الموطأ (يحيى): ٩٩٣/٢.

2975. It was reported from Abū Al-Bakhtarī who said: "I heard a man narrating a *Ḥadīth* which amazed me, so I said to him: 'Write it down for me.' So he brought it to me written clearly: 'Al-'Abbās and 'Alī entered upon 'Umar while they were disputing. Ṭalḥah, Az-Zubair, Sa'd and 'Abdur-Raḥmān were present. 'Umar said to Ṭalḥah, Az-Zubair, 'Abdur-Raḥmān and Sa'd: "Do you not know that the Messenger of Allāh ﷺ said: 'All the wealth of the Prophet ﷺ is *Ṣadaqah* (charity) except what he provided in sustenance to his family and clothed them with. We have no heirs?"' They said: "Yes, indeed." He said: "The Messenger of Allāh ﷺ used to spend from his property on his family, and give the remaining in charity. Then the Messenger of Allāh ﷺ died, and Abū Bakr ruled for two years. He managed it in the same way as the

٢٩٧٥ - حَدَّثَنَا عَمْرُو بْنُ مَرْزُوقٍ: حَدَّثَنَا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةَ، عَنْ أَبِي الْخَثَرِيِّ قَالَ: سَمِعْتُ حَدِيثًا مِنْ رَجُلٍ فَأَعَجَبَنِي فَقُلْتُ: اكْتُبْهُ لِي، فَأَتَى بِهِ مَكْتُوبًا مُذَبَّرًا: دَخَلَ الْعَبَّاسُ وَعَلِيٌّ عَلَى عُمَرَ وَعِنْدَهُ طَلْحَةُ وَالزُّبَيْرُ وَسَعْدٌ وَعَبْدُ الرَّحْمَنِ وَهُمَا يَخْتَصِمَانِ، فَقَالَ عُمَرُ لِطَلْحَةَ وَالزُّبَيْرِ وَعَبْدِ الرَّحْمَنِ وَسَعْدٍ: أَلَمْ تَعْلَمُوا أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كُلُّ مَالِ النَّبِيِّ ﷺ صَدَقَةٌ إِلَّا مَا أَطْعَمَهُ أَهْلُهُ وَكَسَاهُمْ، إِنَّا لَأَنُورُثُ؟» قَالُوا: بَلَى، قَالَ: فَكَانَ رَسُولُ اللَّهِ ﷺ يُنْفِقُ مِنْ مَالِهِ عَلَى أَهْلِهِ وَيَتَصَدَّقُ بِفَضْلِهِ ثُمَّ تُوفِّي رَسُولُ اللَّهِ ﷺ، فَوَلِيَهَا أَبُو بَكْرٍ سَتَيْنِ، فَكَانَ يَصْنَعُ الَّذِي كَانَ يَصْنَعُ رَسُولُ اللَّهِ ﷺ ثُمَّ ذَكَرَ شَيْئًا مِنْ حَدِيثِ مَالِكِ بْنِ أَوْسٍ.

Messenger of Allāh ﷺ did.” Then he mentioned something from the *Hadīth* of Mālik bin Aws. (*Da‘if*)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٩٩/٦، ٣٠٠ من حديث أبي داود به * فيه رجل مجهول، وحديث: ٢٩٦٣ يغني عنه.

2976. It was reported from Ibn Ash-Shihāb, from ‘Urwah, from ‘Āishshah, who said: “After the death of the Messenger of Allāh ﷺ the wives of the Prophet ﷺ intended to send ‘Uthmān bin ‘Affān to Abū Bakr Aṣ-Ṣiddiq, asking for their one-eight from the (inheritance of the) Messenger of Allāh ﷺ. ‘Āishshah said to them: “Did the Messenger of Allāh ﷺ not say: ‘We do not have heirs. What we leave is *Ṣadaqah* (charity)?” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، المغازي، باب حديث بني النضير ومخرج رسول الله ﷺ إليهم ... إلخ، ح: ٤٠٣٤ ومسلم، الجهاد والسير، باب قول النبي ﷺ: "لا نورث ما تركنا فهو صدقة"، ح: ١٧٥٨ من حديث مالك به وهو في الموطأ (يحيى): ٩٩٣/٢.

2977. (Another chain) from Ibn Shihāb, with his chain, and it is similar (to no. 2976). (In it she said) “I said: ‘Do you not you fear Allāh? Did you not hear the Messenger of Allāh ﷺ saying: “We are do not have heirs. What we leave is *Ṣadaqah* (charity). This property belongs to the family of Muḥammad for their needs and their guests. When I die it will go to the one who becomes the ruler after me.” (*Ḥasan*)

٢٩٧٦ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ، عَنْ عَائِشَةَ أَنَّهَا قَالَتْ: إِنَّ أَرْوَاحَ النَّبِيِّ ﷺ حِينَ تُوْفِّي رَسُولُ اللَّهِ ﷺ أَرَدْنَ أَنْ يُبْعَثْنَ عُثْمَانَ بْنَ عَفَّانَ إِلَى أَبِي بَكْرٍ الصِّدِّيقِ فَيَسْأَلْنَهُنَّ مُنْهَنَّ مِنْ رَسُولِ اللَّهِ ﷺ فَقَالَتْ لَهُنَّ عَائِشَةُ: أَلَيْسَ قَدْ قَالَ رَسُولُ اللَّهِ ﷺ: «لَا نُورِثُ مَا تَرَكْنَا فَهُوَ صَدَقَةٌ».

٢٩٧٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ حَمْرَةَ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ عَنْ أُسَامَةَ بْنِ زَيْدٍ، عَنْ ابْنِ شِهَابٍ بِإِسْنَادِهِ نَحْوَهُ: قُلْتُ: أَلَا تَتَّقِينَ اللَّهَ؟ أَلَمْ تَسْمَعَنَّ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا نُورِثُ مَا تَرَكْنَا فَهُوَ صَدَقَةٌ، وَإِنَّمَا هَذَا الْمَالُ لِأَلِ مُحَمَّدٍ لِنَاتِبَتِهِمْ وَلِضَيْفِهِمْ فَإِذَا مِتُّ فَهُوَ إِلَى مَنْ وَلِيَ الْأَمْرَ مِنْ بَعْدِي».

تخريج: [إسناده حسن] أخرجه أحمد: ١٤٥/٦ والترمذي في الشمائل، ح: ٤٠٢ من حديث حاتم بن إسماعيل به انظر، ح: ٢٩٦٧.

Chapter 19,20. The Division Of The *Khumus* And The Share Of His Relatives

2978. It was reported from Jubair bin Muṭ‘im that he and ‘Uthmān bin ‘Affān came to speak to the Messenger of Allāh ﷺ about the division of the *Khumus* among Banū Hāshim and Banū Al-Muṭṭalib. I said: “O Messenger of Allāh, you gave a share to our brethren of Banū Al-Muṭṭalib and you did not give us anything, but our relationship to you is the same as theirs.” The Prophet ﷺ said: “Rather, Banū Hāshim and Banū Al-Muṭṭalib are the same thing.” Jubair said: “He did not give a share of that *Khumus* to Banū ‘Abd Shams or Banū Nawfal as he gave to Banū Hāshim and Banū Al-Muṭṭalib.” He said: “Abū Bakr used to divide the *Khumus* as the Messenger of Allāh ﷺ did, except that he did not give to the relatives of the Messenger of Allāh ﷺ what the Prophet ﷺ used to give them.” He said: “And ‘Umar bin Al-Khaṭṭāb and ‘Uthmān gave them some of it after him.” (*Ṣaḥīh*)

(المعجم ١٩، ٢٠) بَابُ: فِي بَيَانِ مَوَاضِعِ قَسْمِ الْخُمْسِ وَسَهْمِ ذِي الْقُرْبَى (التحفة ٢٠)

٢٩٧٨ - حَدَّثَنَا عُثَيْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ، عَنْ يُونُسَ بْنِ يَزِيدٍ، عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيَّبِ قَالَ: أَخْبَرَنِي جُبَيْرُ بْنُ مُطْعِمٍ: أَنَّهُ جَاءَهُ هُوَ وَعُثْمَانُ بْنُ عَفَّانٍ يُكَلِّمَانِ رَسُولَ اللَّهِ ﷺ فِيمَا قَسَمَ مِنَ الْخُمْسِ بَيْنَ بَنِي هَاشِمٍ وَبَنِي الْمُطَّلِبِ، فَقُلْتُ: يَا رَسُولَ اللَّهِ! قَسَمْتَ لِأَخْوَانِنَا بَنِي الْمُطَّلِبِ وَلَمْ تُعْطِنَا شَيْئًا وَقَرَابَتَنَا وَقَرَابَتَهُمْ مِنْكَ وَاحِدَةً. فَقَالَ النَّبِيُّ ﷺ: «إِنَّمَا بَنُو هَاشِمٍ وَبَنُو الْمُطَّلِبِ شَيْءٌ وَاحِدٌ». قَالَ جُبَيْرٌ: وَلَمْ يَقْسِمْ لِبَنِي عَبْدِ شَمْسٍ وَلَا لِبَنِي نَوْفَلٍ مِنْ ذَلِكَ الْخُمْسِ كَمَا قَسَمَ لِبَنِي هَاشِمٍ وَبَنِي الْمُطَّلِبِ. قَالَ: وَكَانَ أَبُو بَكْرٍ يَقْسِمُ الْخُمْسَ نَحْوَ قَسَمِ رَسُولِ اللَّهِ ﷺ غَيْرَ أَنَّهُ لَمْ يَكُنْ يُعْطِي قُرْبَى رَسُولِ اللَّهِ ﷺ مَا كَانَ النَّبِيُّ ﷺ يُعْطِيهِمْ. قَالَ: فَكَانَ عُمَرُ بْنُ الْخَطَّابِ يُعْطِيهِمْ مِنْهُ وَعُثْمَانُ بَعْدَهُ.

تخريج: أخرجه البخاري، المغازي، باب غزوة خيبر، ح: ٤٢٢٩ من حديث يونس الأيلي، وأحمد: ٨٥/٤ عن عبد الرحمن بن مهدي به.

Comments:

‘Uthmān, may Allāh be pleased with him, belonged to Banū ‘Abd Shams while Jubair, may Allāh be pleased with him, was a member of Banū Nawfal. These two tribes did not have the kind of close association with Banū Hāshim as Banū Al-Muṭṭalib did.

2979. (Another chain) Jubair bin Muṭ'im narrated that the Messenger of Allāh ﷺ did not give a share of the *Khumus* to Banū 'Abd Shams or Banū Nawfal as he gave shares to Banū Hāshim and Banū Al-Muṭṭalib. He said: "Abū Bakr used to divide the *Khumus* as the Messenger of Allāh ﷺ did, except that he did not give to the relatives of the Messenger of Allāh ﷺ as the Messenger of Allāh gave to them, but 'Umar and those who came after him gave them some of it." (*Sahih*)

تخريج: [صحيح] انظر الحديث السابق، وأخرجه أحمد: ٨٣/٤ عن عثمان بن عمر به.

2980. (Another chain) Jubair bin Muṭ'im said: "On the Day of *Khaibar*, the Messenger of Allāh ﷺ gave the share of the relatives to Banū Hāshim and Banū Al-Muṭṭalib, and he did not give Nawfal and Banū 'Abd Shams. 'Uthmān bin 'Affān and I went to the Prophet ﷺ and said: 'O Messenger of Allāh, we do not deny the virtue of Banū Hāshim because of your relationship to them, but what about our brethren of Banu Al-Muṭṭalib — you have given to them and not to us, although our relationship is the same?' The Messenger of Allāh ﷺ said: 'There is no distinction between myself and Banū Al-Muṭṭalib, in *Jāhiliyyah* nor in Islam. We and they are the same thing.' And he interlaced his fingers." (*Sahih*)

٢٩٧٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُمَرَ: حَدَّثَنَا عُثْمَانُ بْنُ عُمَرَ قَالَ: أَخْبَرَنِي يُونُسُ عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ قَالَ: حَدَّثَنَا جُبَيْرُ بْنُ مُطْعِمٍ: أَنَّ رَسُولَ اللَّهِ ﷺ لَمْ يَقْسِمْ لِبَنِي عَبْدِ شَمْسٍ وَلَا لِبَنِي نَوْفَلٍ مِنَ الْخُمْسِ شَيْئًا كَمَا قَسَمَ لِبَنِي هَاشِمٍ وَبَنِي الْمُطَّلِبِ. قَالَ: وَكَانَ أَبُو بَكْرٍ يَقْسِمُ الْخُمْسَ نَحْوَ قَسَمِ رَسُولِ اللَّهِ ﷺ غَيْرَ أَنَّهُ لَمْ يَكُنْ يُعْطِي قُرْبَى رَسُولِ اللَّهِ ﷺ كَمَا كَانَ يُعْطِيهِمْ رَسُولُ اللَّهِ ﷺ وَكَانَ عُمَرُ يُعْطِيهِمْ وَمَنْ كَانَ بَعْدَهُ مِنْهُ.

٢٩٨٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا هُشَيْمٌ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ ابْنِ الْمُسَيَّبِ قَالَ: أَخْبَرَنِي جُبَيْرُ بْنُ مُطْعِمٍ قَالَ: لَمَّا كَانَ يَوْمُ خَيْبَرَ وَضَعَ رَسُولُ اللَّهِ ﷺ سَهْمَ ذِي الْقُرْبَى فِي بَنِي هَاشِمٍ وَبَنِي الْمُطَّلِبِ وَتَرَكَ بَنِي نَوْفَلٍ وَبَنِي عَبْدِ شَمْسٍ، فَأَنْطَلَقْتُ أَنَا وَعُثْمَانُ بْنُ عَفَّانَ حَتَّى أَتَيْنَا النَّبِيَّ ﷺ فَقُلْنَا: يَا رَسُولَ اللَّهِ! هَؤُلَاءِ بَنُو هَاشِمٍ لَا نُنْكِرُ فَضْلَهُمْ لِلْمَوْضِعِ الَّذِي وَضَعْتَ اللَّهُ بِهِ مِنْهُمْ، فَمَا بَالُ إِخْوَانِنَا بَنِي الْمُطَّلِبِ أُعْطِيَتْهُمْ وَتَرَكَنَا وَقَرَابَتُنَا وَاحِدَةً؟ فَقَالَ رَسُولُ اللَّهِ ﷺ: «أَنَا وَبَنُو الْمُطَّلِبِ لَا نَفْتَرِقُ فِي جَاهِلِيَّةٍ وَلَا إِسْلَامٍ. وَإِنَّمَا نَحْنُ وَهُمْ شَيْءٌ وَاحِدٌ»، وَشَبَّكَ بَيْنَ أَصَابِعِهِ ﷺ.

تخريج: [صحيح] انظر الحديثين السابقين وعلقه ابن حزم في المحلى: ٣٢٧/٧.

2981. It was narrated from As-Suddī, concerning the relatives, that he said: "They are Banū 'Abdul-Muṭṭalib." (*Hasan*)

٢٩٨١ - حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ الْعِجْلِيُّ: حَدَّثَنَا وَكِيعٌ عَنْ الْحَسَنِ بْنِ صَالِحٍ، عَنْ الشُّدِّيِّ فِي ذِي الْقُرْبَى قَالَ: هُمْ بَنُو عَبْدِ الْمُطَّلِبِ.

تخريج: [إسناده حسن] انفرد به أبو داود.

2982. It was narrated that Ibn Shihāb said: "Yazīd bin Hurmuz informed me, he said: 'When Najdah Al-Ḥarūrī performed *Hajj* during the turmoil of Ibn Az-Zubair, he sent word to Ibn 'Abbās asking him about the share of the relatives, saying: "For whom do you think it is?" Ibn 'Abbās said: "It is for the relatives of the Messenger of Allāh ﷺ; the Messenger of Allāh ﷺ allocated it to them. 'Umar offered some of it to us, but we found it to be less than what was our due, so we returned it to him and refused to accept it.'" (*Ṣaḥīḥ*)

٢٩٨٢ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عُبَيْدُ بْنُ يُونُسَ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنَا يَزِيدُ بْنُ هُرْمُزٍ: أَنَّ نَجْدَةَ الْحُرُورِيِّ حِينَ حَجَّ فِي فِتْنَةِ ابْنِ الزُّبَيْرِ أَرْسَلَ إِلَى ابْنِ عَبَّاسٍ يَسْأَلُهُ عَنْ سَهْمِ ذِي الْقُرْبَى وَيَقُولُ: لِمَنْ تَرَاهُ؟ قَالَ ابْنُ عَبَّاسٍ: لِقُرْبَى رَسُولِ اللَّهِ ﷺ قَسَمَهُ لَهُمْ رَسُولُ اللَّهِ ﷺ وَقَدْ كَانَ عُمَرُ عَرَضَ عَلَيْنَا مِنْ ذَلِكَ عَرْضًا، رَأَيْنَاهُ دُونَ حَقِّنَا فَردَدْنَاهُ عَلَيْهِ وَأَبَيْنَا أَنْ نَقْبَلَهُ.

تخريج: [إسناده صحيح] أخرجه النسائي، قسم الفَيْء، باب: ١، ح: ٤١٣٨ من حديث يونس به وانظر، ح: ٢٧٢٧ وأصله عند مسلم.

2983. It was reported from 'Abdur-Raḥmān bin Abī Laila, that he said: "I heard 'Alī say: 'The Messenger of Allāh ﷺ allocated to me one-fifth of the *Khumus* and I spent it as it was supposed to be spent during the life of the Messenger of Allāh ﷺ, and the life of Abū Bakr, and the life of 'Umar. Then some wealth was brought to 'Umar and he called me and said: "Take it." I said: "I do not want

٢٩٨٣ - حَدَّثَنَا عَبَّاسُ بْنُ عَبْدِ الْعَظِيمِ: حَدَّثَنَا يَحْيَى بْنُ أَبِي بُكَيْرٍ: حَدَّثَنَا أَبُو جَعْفَرٍ الرَّازِيُّ عَنْ مُطَرِّفٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ: سَمِعْتُ عَلِيًّا يَقُولُ: وَلَإِنِّي رَسُولُ اللَّهِ ﷺ خُمُسَ الْخُمْسِ فَوَضَعْتُهُ مَوَاضِعَهُ حَيَاةَ رَسُولِ اللَّهِ ﷺ وَحَيَاةَ أَبِي بَكْرٍ وَحَيَاةَ عُمَرَ، فَأَتَيْتُ بِمَالٍ

it.” He said: “Take it, for you are more entitled to it.” I said: “We have no need of it.” So he put it in the *Bait Al-Māl* (state treasury). (Hasan)

تخريج: [حسن] انظر الحديث الآتي وأخرجه البيهقي: ٣٤٣/٦ من حديث أبي داود به، وللحديث طريق آخر، انظر الحديث الآتي * أبو جعفر الرازي حسن الحديث في غير ما يروي عن الربيع بن أنس، وثقه الجمهور.

2984. (Another chain) from ‘Abdur-Rahmān bin Abī Lailā who said: “I heard ‘Alī say: ‘Al-‘Abbās, Fāṭimah, Zaid bin Hārithah and I met with the Prophet ﷺ. I said: “O Messenger of Allāh, if you wish, you may put me in charge of our share of this *Khumus*, as mentioned in the Book of Allāh, so that I may divide it while you are still alive, so that no one will dispute with me after you are gone?” So he did that. He said: “So I divided it when the Messenger of Allāh ﷺ was still alive. Then Abū Bakr put me in charge of it, until the last year of the *Khilāfah* of ‘Umar, when a great deal of wealth came to him, and he took out our share, then he sent for me,” and I said: We have no need of it this year, but the Muslims are in need of it, so give it to them.” So he did that. Then no one called me to it after ‘Umar. I met Al-‘Abbās after I had left ‘Umar, and he said: “O ‘Alī, today you have deprived us of something that will never be returned to us.” He was very smart.” (Da‘if)

فَدَعَانِي فَقَالَ: خُذْهُ، فَقُلْتُ: لَا أُرِيدُهُ، فَقَالَ: خُذْهُ فَأَنْتُمْ أَحَقُّ بِهِ، قُلْتُ: قَدْ اسْتَعْنَيْنَا عَنْهُ، فَجَعَلَهُ فِي بَيْتِ الْمَالِ.

٢٩٨٤ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا ابْنُ نُمَيْرٍ: حَدَّثَنَا هَاشِمُ بْنُ الْبَرِيدِ: حَدَّثَنَا حُسَيْنُ بْنُ مَيْمُونٍ عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ: سَمِعْتُ عَلِيًّا يَقُولُ: اجْتَمَعْتُ أَنَا وَالْعَبَّاسُ وَفَاطِمَةُ وَزَيْدُ بْنُ حَارِثَةَ عِنْدَ النَّبِيِّ ﷺ فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنْ رَأَيْتَ أَنْ تُؤَلِّمَنِي حَقَّنَا مِنْ هَذَا الْخُمْسِ فِي كِتَابِ اللَّهِ عَزَّوَجَلَّ فَأَقْسِمُ حَيَاتِكَ كَيْلَا يُبَاذِرَنِي أَحَدٌ بَعْدَكَ، فَأَفْعَلَ، قَالَ فَفَعَلَ ذَلِكَ. قَالَ: فَقَسَمْتُ حَيَاةَ رَسُولِ اللَّهِ ﷺ، ثُمَّ وَلَانِيهِ أَبُو بَكْرٍ، حَتَّى إِذَا كَانَتْ آخِرَ سَنَةٍ مِنْ سِنِي عُمَرَ فَإِنَّهُ أَنَا هَاشِمُ بْنُ الْبَرِيدِ، فَعَزَلَ حَقَّنَا، ثُمَّ أَرْسَلَ إِلَيَّ فَقُلْتُ: يَا عُمَرُ الْغَامُ غَنَى وَبِالْمُسْلِمِينَ إِلَيْهِ حَاجَةٌ، فَأَرَدْتُهُ عَلَيْهِمْ، فَزَدَهُ عَلَيْهِمْ، ثُمَّ لَمْ يَدْعُنِي إِلَيْهِ أَحَدٌ بَعْدَ عُمَرَ، فَلَقِيتُ الْعَبَّاسَ بَعْدَ مَا خَرَجْتُ مِنْ عِنْدِ عُمَرَ فَقَالَ: يَا عَلِيُّ! حَرَمْتَنَا الْغَدَاةَ شَيْئًا لَا يُرَدُّ عَلَيْنَا أَبَدًا، وَكَانَ رَجُلًا دَاهِيًا.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٨٤/١ من حديث هاشم بن البريد به * حسين بن ميمون: لين الحديث (تقريب).

2985. ‘Abdul-Muṭṭalib bin Rabī’ah bin Al-Ḥārith bin ‘Abdul-Muṭṭalib narrated that his father, Rabī’ah bin Al-Ḥārith, and ‘Abbās bin ‘Abdul-Muṭṭalib said to ‘Abdul-Muṭṭalib bin Rabī’ah and Al-Faḍl bin ‘Abbās: “Go to the Messenger of Allāh ﷺ and say to him: ‘O Messenger of Allāh, we have reached the age, as you can see, and we want to get married. O Messenger of Allāh, you are the kindest of people and you are the best in upholding the ties of kinship. Our fathers do not have anything with which to pay the *Mahr* for us, so appoint us, O Messenger of Allāh, to collect the *Ṣadaqāt*, and we will give you what the other employees give you and we will benefit from it as well.’” ‘Alī bin Abī Ṭālib came while we were there, and he said to us: “No, by Allāh, the Messenger of Allāh ﷺ will not appoint either of you in charge of the *Ṣadaqah*.” Rabī’ah said to him: “This is what you want; you have attained a relationship with the Messenger of Allāh ﷺ through marriage, and we do not begrudge you for it.” ‘Alī spread out his *Ridā*’ and lay down upon it, and said: “I am Abū Ḥasan and I know what is going to happen, by Allāh, and I shall not leave until your sons come back to you with the answer to the question that you were sent to the Prophet ﷺ.” ‘Abdul-Muṭṭalib said: “Al-Faḍl and I went, and arrived at the time when *Zuḥr* prayer was about to begin, so we prayed with the

٢٩٨٥ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عُبَيْسَةُ. حَدَّثَنَا يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ الْحَارِثِ بْنُ تَوْفَلٍ الْهَاشِمِيُّ: أَنَّ عَبْدَ الْمُطَّلِبِ بْنَ رَبِيعَةَ بْنَ الْحَارِثِ بْنِ عَبْدِ الْمُطَّلِبِ أَخْبَرَهُ أَنَّ أَبَاهُ رَبِيعَةَ ابْنَ الْحَارِثِ وَعَبَّاسَ بْنَ عَبْدِ الْمُطَّلِبِ قَالَا لِعَبْدِ الْمُطَّلِبِ بْنِ رَبِيعَةَ وَلِلْفَضْلِ بْنِ عَبَّاسٍ: ائْتِيَا رَسُولَ اللَّهِ ﷺ فَقُولَا لَهُ: يَا رَسُولَ اللَّهِ! قَدْ بَلَغْنَا مِنَ السِّنِّ مَا تَرَى وَأَخْبَيْنَا أَنْ نَتَزَوَّجَ وَأَنْتَ يَا رَسُولَ اللَّهِ! أَبْرُ النَّاسِ وَأَوْصَلُهُمْ وَلَيْسَ عِنْدَ آبَائِنَا مَا يُصْذِقَانِ عَنَّا، فَاسْتَعْمِلْنَا يَا رَسُولَ اللَّهِ! عَلَى الصَّدَقَاتِ فَلَنؤَدِّ إِلَيْكَ مَا يُؤَدِّي الْعُمَّالُ وَلَنُصِيبَ مَا كَانَ فِيهَا مِنْ مِرْقَةٍ. فَأَتَى عَلِيٌّ بْنُ أَبِي طَالِبٍ وَنَحْنُ عَلَى تِلْكَ الْحَالِ فَقَالَ لَنَا: إِنَّ رَسُولَ اللَّهِ ﷺ لَا، وَاللَّهِ! لَا يَسْتَعْمِلُ أَحَدًا مِنْكُمْ عَلَى الصَّدَقَةِ، فَقَالَ لَهُ رَبِيعَةُ: هَذَا مِنْ أَمْرِكَ، قَدْ نِلْتَ صَهْرَ رَسُولِ اللَّهِ ﷺ، فَلَمْ نَحْشُدْكَ عَلَيْهِ، فَأَلْقَى عَلِيٌّ رِدَاءَهُ ثُمَّ اضْطَجَعَ عَلَيْهِ فَقَالَ: أَنَا أَبُو حَسَنِ الْقُرْمِ وَاللَّهِ! لَا أَرِيْمُ حَتَّى يَرْجِعَ إِلَيْكُمَا [إِنَّا كُما] بِحَوْرٍ مَا بَعَثْنَا بِهِ إِلَى النَّبِيِّ ﷺ. قَالَ عَبْدُ الْمُطَّلِبِ: فَاَنْطَلَقْتُ أَنَا وَالْفَضْلُ حَتَّى نُوَافِقَ صَلَاةَ الظُّهْرِ قَدْ قَامَتْ، فَصَلَّيْنَا مَعَ النَّاسِ، ثُمَّ أَسْرَعْتُ أَنَا وَالْفَضْلُ إِلَى بَابِ حُجْرَةِ النَّبِيِّ ﷺ وَهُوَ يَوْمِئِذٍ عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ، فَقَمْنَا بِالْبَابِ حَتَّى آتَى رَسُولُ اللَّهِ ﷺ فَأَخَذَ بِأُذُنِي وَأُذُنَ الْفَضْلِ ثُمَّ قَالَ:

people, then Al-Faḍl and I hastened to the door of the Prophet's apartment; that day he was staying in the house of Zainab bint Jahsh. We stood at the door, until the Messenger of Allāh ﷺ came and took hold of my ear, and the ear of Al-Faḍl, then he said: 'Tell me what is on your mind.' Then he went in and gave permission to Al-Faḍl and I to enter, so we entered, and urged each other to speak for a while, then I spoke to him, or Al-Faḍl spoke — 'Abdullāh (one of the narrators) was uncertain about that — and he spoke of what our fathers had told us to speak about. The Messenger of Allāh ﷺ remained silent for a while, then he looked up towards the ceiling of the house for so long, that we thought he would not answer us, and we saw Zainab gesturing from behind the curtain with her hand, telling us not to be hasty, and that the Messenger of Allāh ﷺ was thinking about our request. Then the Messenger of Allāh ﷺ lowered his head and said to us: 'This *Ṣadaqah* is no more than the dirt of the people, and it is not permissible for Muḥammad or the family of Muḥammad. Call Nawfal bin Al-Ḥārith for me.' So Nawfal bin Al-Ḥārith was called for him, and he said: 'O Nawfal, give your daughter in marriage to 'Abdul-Muṭṭalib.' So Nawfal gave his daughter in marriage to me. Then the Prophet ﷺ said: 'Call Maḥmiyah bin Jaz' for me.'" He

«أَخْرَجَا مَا تُصَرَّرَانِ»، ثُمَّ دَخَلَ فَأَذِنَ لِي وَلِلْفَضْلِ فَدَخَلْنَا فَتَوَاكَلْنَا الْكَلَامَ قَلِيلًا، ثُمَّ كَلَّمْتُهُ أَوْ كَلَّمَهُ الْفَضْلُ - قَدْ شَكَّ فِي ذَلِكَ عَبْدُ اللَّهِ - قَالَ كَلَّمَهُ بِالَّذِي أَمَرْنَا بِهِ أَبَوَانَا، فَسَكَتَ رَسُولُ اللَّهِ ﷺ سَاعَةً وَرَفَعَ بَصَرَهُ قَبْلَ سَقْفِ الْبَيْتِ حَتَّى طَالَ عَلَيْنَا أَنَّهُ لَا يَرْجِعُ إِلَيْنَا شَيْئًا حَتَّى رَأَيْنَا زَيْنَبَ تَلْمَعُ مِنْ وَرَاءِ الْحِجَابِ يَدَيْهَا، تُرِيدُ أَنْ لَا تَعْجَلَا وَأَنَّ رَسُولَ اللَّهِ ﷺ فِي أَمْرِنَا، ثُمَّ خَفَضَ رَسُولُ اللَّهِ ﷺ رَأْسَهُ فَقَالَ لَنَا: «إِنَّ هَذِهِ الصَّدَقَةُ إِنَّمَا هِيَ أَوْسَاحُ النَّاسِ وَإِنهَا لَا تَحِلُّ لِمُحَمَّدٍ وَلَا لِآلِ مُحَمَّدٍ، اذْعُوا لِي نَوْفَلَ بْنِ الْحَارِثِ» فَذَعَيْ لَّهُ نَوْفَلَ بْنَ الْحَارِثِ، فَقَالَ: «يَا نَوْفَلُ! أَنْكِحْ عَبْدَ الْمُطَّلِبِ» فَأَنْكِحَنِي نَوْفَلُ ثُمَّ قَالَ النَّبِيُّ ﷺ: «اذْعُوا لِي مَحْمِيَةَ بْنِ جَزءٍ وَهُوَ رَجُلٌ مِنْ بَنِي زُبَيْدٍ، كَانَ رَسُولُ اللَّهِ ﷺ اسْتَعْمَلَهُ عَلَى الْأَحْمَاسِ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِمَحْمِيَةَ: «اَنْكِحِ الْفَضْلَ» فَأَنْكِحَهُ، ثُمَّ قَالَ رَسُولُ اللَّهِ ﷺ: «قُمْ فَأَصْدِقْ عَنْهُمَا مِنَ الْخُمْسِ كَذَا وَكَذَا» لَمْ يُسَمِّ لِي عَبْدُ اللَّهِ بْنُ الْحَارِثِ.

was a man of Banū Zubaid, whom the Messenger of Allāh ﷺ had appointed in charge of the *Khumus*. The Messenger of Allāh ﷺ said to Maḥmiyah: 'Give your daughter in marriage to Al-Faḍl.' So he gave his daughter in marriage to him. Then the Messenger of Allāh ﷺ said: 'Go and pay their *Mahr* from the *Khumus*, such and such'" 'Abdullāh bin Al-Hārith did not mention the amount of the dowry. (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الزكاة، باب ترك استعمال آل النبي ﷺ على الصدقة، ح: ١٠٧٢ من حديث يونس بن يزيد به.

2986. It was reported from 'Alī bin Abī Ṭālib who said: "I had an old she-camel that was my share of the spoils of war on the Day of Badr, and the Messenger of Allāh ﷺ gave me another old she-camel from the *Khumus* on that day. When I wanted to consummate my marriage to Faṭimah, the daughter of the Messenger of Allāh ﷺ, I made arrangements with a man who was a goldsmith from Banū Qainuqā' to go with me to collect *Idhkhir* that I wanted to sell to the goldsmiths, to help pay for the wedding feast. While I was collecting the gear for my two she-camels, such as saddles, baskets and ropes, the two camels were sitting by the house of an *Anṣārī* man. When I had collected the things I needed, I came to my two camels and found that their humps had been cut off, their flanks slashed open and their livers

٢٩٨٦ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عُبَيْدُ بْنُ خَالِدٍ: حَدَّثَنَا يُونُسُ بْنُ أَبِي شَهَابٍ قَالَ: أَخْبَرَنِي عَلِيُّ بْنُ حُسَيْنٍ أَنَّ حُسَيْنَ بْنَ عَلِيٍّ أَخْبَرَهُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ قَالَ: كَانَ لِي شَارِفٌ مِنْ نَصِيبِي مِنَ الْمَغْنَمِ يَوْمَ بَدْرٍ وَكَانَ رَسُولُ اللَّهِ ﷺ أَغْطَانِي شَارِفًا مِنَ الْخُمْسِ يَوْمَئِذٍ فَلَمَّا أَرَدْتُ أَنْ أُبْتَنِيَ بِفَاطِمَةَ بِنْتِ رَسُولِ اللَّهِ ﷺ وَاعَدْتُ رَجُلًا صَوَاعًا مِنْ بَنِي قَيْنُقَاعَ أَنْ يَرْتَجَلَ مَعِيَ فَنَأْتِي بِإِذْخِرٍ أَرَدْتُ أَنْ أُبِيعَهُ مِنَ الصَّوَاغِينِ فَاسْتَعِينَ بِهِ فِي وَلِيمَةِ عُرْسِي، فَبَيْنَا أَنَا أَجْمَعُ لِشَارِفِي مَتَاعًا مِنَ الْأَقْتَابِ وَالْغَرَائِرِ وَالْجِبَالِ وَشَارِفَايَ مُنَاخَانَ إِلَى جَنْبِ حُجْرَةِ رَجُلٍ مِنَ الْأَنْصَارِ أَقْبَلْتُ حِينَ جَمَعْتُ مَا جَمَعْتُ، فَإِذَا بِشَارِفِي قَدْ اجْتَبَتْ أَسْنِمَتُهُمَا وَبُقِرَتْ حَوَاصِرُهُمَا وَأُخِذَ مِنْ أَكْبَادِهِمَا، فَلَمْ أَمْلِكْ

removed. I could not hold back my eyes (tears) when I beheld that scene. I said: 'Who did this?' They said: 'Ḥamzah bin 'Abdul-Muṭṭalib.' He is in this house drinking with some of the *Anṣār*, with a singing-girl, singing for him and his companions. She said in her song: "O Ḥamzah, go and deal with these fat she-camels," and he rushed to his sword and cut off their humps, slashed their flanks and removed their livers." 'Alī said: "I went and entered upon the Messenger of Allāh ﷺ, and Zaid bin Ḥārithah was with him. The Messenger of Allāh ﷺ realized from my expression that something had happened to me, and the Messenger of Allāh ﷺ said: 'What is the matter with you?' I said: 'O Messenger of Allāh, I have never seen anything like today. Ḥamzah has transgressed against my camels, cutting off their humps and slashing their flanks. He is there in a house drinking with some other people.' The Messenger of Allāh ﷺ called for his *Ridā'* and put it on, then he went walking, and Zaid bin Ḥārithah and I followed him, until he came to the house where Ḥamzah was. He asked for permission to enter, and permission was given to him, and he found them drunk. The Messenger of Allāh ﷺ began to rebuke Ḥamzah for what he had done, and Ḥamzah was intoxicated and red-eyed. Ḥamzah looked at the Messenger of Allāh ﷺ, then he lifted his gaze, and looked at his

عَيْنَيَّ حِينَ رَأَيْتُ ذَلِكَ الْمَنْظَرَ فَقُلْتُ: مَنْ فَعَلَ هَذَا؟ قَالُوا: فَعَلَهُ حَمَزَةُ بْنُ عَبْدِ الْمُطَّلِبِ وَهُوَ فِي هَذَا الْبَيْتِ فِي شَرْبِ مِنَ الْأَنْصَارِ غَتَّتْهُ قَيْنَةٌ وَأَصْحَابُهُ، فَقَالَتْ فِي غَنَائِهَا:

أَلَا يَا حَمْزُ لِلشُّرَفِ التَّوَاءِ

فَوُتِبَ إِلَى السَّيْفِ فَاجْتَبَّ أَسْنِمَهُمَا وَبَقَرَ خَوَاصِرَهُمَا، فَأَخَذَ مِنْ أَكْبَادِهِمَا. قَالَ عَلِيٌّ: فَأَنْطَلَقْتُ حَتَّى أَذْخُلَ عَلَى رَسُولِ اللَّهِ ﷺ وَعِنْدَهُ زَيْدُ بْنُ حَارِثَةَ، فَعَرَفَ رَسُولُ اللَّهِ ﷺ الَّذِي لَقِيتُ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَا لَكَ؟» قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! مَا رَأَيْتُ كَالْيَوْمِ، عَدَا حَمَزَةُ عَلَى نَاقَتِي فَاجْتَبَّ أَسْنِمَهُمَا وَبَقَرَ خَوَاصِرَهُمَا وَهَاهُوَ ذَا فِي بَيْتٍ مَعَهُ شَرْبٌ، فَدَعَا رَسُولُ اللَّهِ ﷺ بِرِدَائِهِ فَأَرْتَدَاهُ، ثُمَّ انْطَلَقَ يَمْشِي وَاتَّبَعْتُهُ أَنَا وَزَيْدُ بْنُ حَارِثَةَ حَتَّى جَاءَ الْبَيْتَ الَّذِي فِيهِ حَمَزَةُ، فَاسْتَأْذَنَ فَأُذِنَ لَهُ فَإِذَا هُمْ شَرْبٌ، فَطَفِقَ رَسُولُ اللَّهِ ﷺ يُلُومُ حَمَزَةَ فِيمَا فَعَلَ، فَإِذَا حَمَزَةُ تُمَلُّ مُحَمَّرَةً عَيْنَاهُ، فَظَرَ حَمَزَةَ إِلَى رَسُولِ اللَّهِ ﷺ ثُمَّ صَعَدَ النَّظَرَ فَظَرَ إِلَى رُكْبَتَيْهِ، ثُمَّ صَعَدَ النَّظَرَ فَظَرَ إِلَى سُرَّتَيْهِ، ثُمَّ صَعَدَ النَّظَرَ فَظَرَ إِلَى وَجْهِهِ، ثُمَّ قَالَ حَمَزَةُ: وَهَلْ أَنْتُمْ إِلَّا عَبِيدُ لَأَبِي؟ فَعَرَفَ رَسُولُ اللَّهِ ﷺ أَنَّهُ تُمَلُّ فَانْكَصَرَ رَسُولُ اللَّهِ ﷺ عَلَى عَقْبَيْهِ الْقَهْقَرَى فَخَرَجَ وَخَرَجْنَا مَعَهُ.

knees, then he lifted his gaze, and looked at his navel, then he lifted his gaze, and looked at his face. Then Ḥamzah said: 'Aren't you no more than the slaves of my father?' The Messenger of Allāh ﷺ realized that he was intoxicated, so he moved backwards and left, and we left with him." (*Ṣaḥīh*)

تخریج: أخرجه البخاري، فرض الخمس، باب فرض الخمس، ح: ٣٠٩١ ومسلم، الأشربة، باب تحريم الخمر ... إلخ، ح: ١٩٧٩ من حديث يونس بن يزيد الأيلي به.

Comments:

The incident occurred before the prohibition of intoxicants.

2987. It was reported from Umm Al-Ḥakam — or Ḍubā'ah, the two daughters of Az-Zubair bin 'Abdul-Muṭṭalib — that one of them said: "The Messenger of Allāh ﷺ got some female captives, so my sister and I, and Fāṭimah, the daughter of the Messenger of Allāh ﷺ, went and complained to him about our situation, and asked him to order that some of the captives be given to us. The Messenger of Allāh ﷺ said: 'The orphans of Badr have precedence over you. But I shall tell you of something that is better for you than that. Say *Allāhu Akbar* following every prayer thirty-three times, and say *Subḥān-Allāh* (Glorious is Allāh) thirty three times, and say *Al-Ḥamdu Lillāh* (All praise is due to Allāh) thirty three times, and say *Lā ilāha ill-Allāh waḥdahu lā sharīka lah, laḥul-mulk wa laḥul-ḥamd wa huwa 'alā kulli shai'in qadīr* (None has the right to be worshiped but Allāh, alone with no partner; to Him is the dominion and praise, and He is

٢٩٨٧ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ وَهْبٍ: حَدَّثَنِي عَيَّاشُ بْنُ عُقْبَةَ الْحَضْرَمِيُّ عَنِ الْفَضْلِ بْنِ الْحَسَنِ الصَّمِرِيِّ أَنَّ أُمَّ الْحَكَمِ - أَوْ ضُبَاعَةَ ابْنَتِي الزُّبَيْرِ بْنِ عَبْدِ الْمُطَّلِبِ - حَدَّثَتْهُ عَنْ إِحْدَاهُمَا أَنَّهَا قَالَتْ: أَصَابَ رَسُولُ اللَّهِ ﷺ سَيِّئًا فَذَهَبْتُ أَنَا وَأُخْتِي وَفَاطِمَةُ بِنْتُ رَسُولِ اللَّهِ ﷺ فَشَكَوْنَا إِلَيْهِ مَا نَحْنُ فِيهِ وَسَأَلْنَاهُ أَنْ يَأْمُرَ لَنَا بِشَيْءٍ مِنَ السَّيِّئِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «سَبَقُكُنَّ يَتَامَى بَدْرٍ، وَلَكِنْ سَأَدُكُنَّ عَلَى مَا هُوَ خَيْرٌ لَكُنَّ مِنْ ذَلِكَ تُكَبِّرَنَّ اللَّهَ عَلَى إِنْ كُلِّ صَلَاةٍ ثَلَاثًا وَثَلَاثِينَ تَكْبِيرَةً وَثَلَاثًا وَثَلَاثِينَ تَسْبِيحَةً وَثَلَاثًا وَثَلَاثِينَ تَحْمِيدَةً وَلَا إِلَهَ إِلَّا اللَّهُ وَحْدَهُ لَا شَرِيكَ لَهُ، لَهُ الْمُلْكُ وَلَهُ الْحَمْدُ وَهُوَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ».

قَالَ عَيَّاشُ: وَهُمَا ابْنَتَا عَمِّ النَّبِيِّ ﷺ.

Able to do all things).” (*Hasan*)

‘Ayyāsh (one of the narrators) said:

“They were the daughters of the paternal uncle of the Prophet ﷺ.”

تخريج: [إسناده حسن] أخرجه الطحاوي في معاني الآثار: ٢٩٩/٣ من حديث ابن وهب به
* الفضل بن الحسن: "حسن الحديث".

Comments:

In the matter of providing financial assistance, the Prophet ﷺ gave priority to the needy people and especially to the families of martyrs in the cause of Allāh. As for his own kinsmen, he liked them to lead a frugal life and be content with the little that they had, and to remember Allāh often and express their gratitude to Him.

2988. It was narrated from Abū Al-Ward, that Ibn A‘bud said: “‘Alī said to me: ‘Shall I not tell you about me and Fāṭimah, the daughter of the Messenger of Allāh ﷺ, who was the most beloved of his family to him?’ I said: ‘Yes.’ He said: ‘She turned the grindstone until it left marks on her hands, and she carried water in a water skin until it left marks on her upper chest, and she swept the house until her garment got dusty. Some slaves were brought to the Prophet ﷺ, and I said: “Why don’t you go to your father and ask him for a slave?” She went to him, but she found some people with him, talking to him, so she came back. The next day he came to her, and said: “What did you want?” but she remained quiet. I said: “I will tell you, O Messenger of Allāh. She turned the grindstone until it left marks on her hands, and she carried water in a water skin until it left marks on her upper chest. When the slaves were brought to you, I told her to go to you, and ask you

٢٩٨٨ - حَدَّثَنَا يَحْيَى بْنُ خَلْفٍ: حَدَّثَنَا عَبْدُ الْأَعْلَى عَنْ سَعِيدِ بْنِ الْجُرَيْرِيِّ، عَنْ أَبِي الْوَرْدِ، عَنْ ابْنِ أَبِي الْأَحْذَنَةِ عَنْ عَنِّي وَعَنْ فَاطِمَةَ بِنْتِ رَسُولِ اللَّهِ ﷺ وَكَانَتْ مِنْ أَحَبِّ أَهْلِهَا إِلَيْهِ؟ قُلْتُ: بَلَى. قَالَ: إِنَّهَا جَرَّتْ بِالرَّحَى حَتَّى أَثَّرَ فِي يَدِهَا وَاسْتَمَتَّ بِالْقُرْبَةِ حَتَّى أَثَّرَ فِي نَحْرِهَا وَكَسَسَتِ الْبَيْتَ حَتَّى اغْبَرَّتْ ثِيَابُهَا. فَأَتَى النَّبِيَّ ﷺ خَدَمٌ فَقُلْتُ: لَوْ أَتَيْتَ أَبَاكَ فَسَأَلْتَهُ خَادِمًا، فَأَتَتْهُ فَوَجَدَتْ عِنْدَهُ خُدَاتًا فَرَجَعَتْ فَأَتَاهَا مِنَ الْعَدِ فَقَالَ: «مَا كَانَ حَاجَتُكَ؟» فَسَكَتَتْ، فَقُلْتُ: أَنَا أُحَدِّثُكَ يَا رَسُولَ اللَّهِ! جَرَّتْ بِالرَّحَى حَتَّى أَثَّرَتْ فِي يَدِهَا، وَحَمَلَتْ بِالْقُرْبَةِ حَتَّى أَثَّرَتْ فِي نَحْرِهَا، فَلَمَّا أَنْ جَاءَكَ الْخَدَمُ أَمَرْتَهَا أَنْ تَأْتِيكَ فَتَسْتَخْدِمَكَ خَادِمًا يَقِيهَا حَرًّا مَا هِيَ فِيهِ. قَالَ: «اتَّقِيَ اللَّهَ يَا فَاطِمَةُ! وَأَدِّي فَرِيضَةَ رَبِّكَ وَاعْمَلِي عَمَلَ أَهْلِكَ، فَإِذَا أَخَذْتَ مَضْجَعَكَ فَسَبِّحِي ثَلَاثًا وَثَلَاثِينَ، وَاحْمَدِي

for a slave to spare her from what she is suffering.” He said: “Fear Allāh, O Fātimah, perform your duty towards your Lord, and do work for your family. When you go to bed, say *Subhān Allāh* thirty-three times, and say *Al-Ḥamdu Lillāh* thirty-three times, and say *Allāhu Akbar* thirty-four times. That will make one hundred, and that will be better for you than a slave.” She said: “I am content with Allāh and His Messenger.” (*Daʿīf*)

تخريج: [إسناده ضعيف] انظر، ح: ٥٠٦٣ وأخرجه عبدالله بن أحمد في زوائد المسند: ١/ ١٥٣ من حديث سعيد الجبري به * أبو الورد: مستور وابن أعبد: مجهول (تقريب).

2989. (Another chain) from ‘Alī bin Husain, with this story, (as no. 2988) he said: “And he did not give her a slave.” (*Daʿīf*)

٢٩٨٩ - حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْمَرْوَزِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرُ عَنْ الزُّهْرِيِّ، عَنْ عَلِيِّ بْنِ حُسَيْنٍ بِهَذِهِ الْقِصَّةِ قَالَ: وَلَمْ يُخْدِمَهَا.

تخريج: [إسناده ضعيف] انظر، ح: ٥٠٦٢ * السند مرسل.

2990. It was narrated from Hilāl bin Sirāj bin Mujjā’ah, from his father, from his grandfather Mujjā’ah, that he came to the Prophet ﷺ to ask for blood money for his brother, who had been killed by Banū Sadūs of Banū Dhuhl. The Prophet ﷺ said: “If I were to order blood money for an idolater, I would have ordered it for your brother, but I shall give you compensation for him.” The Prophet ﷺ wrote a document ordering that he be granted one hundred camels from the first *Khumus* to be taken from the idolaters of Banū Dhuhl. He took

٢٩٩٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى: حَدَّثَنَا عَنبَسَةُ بْنُ عَبْدِ الْوَاحِدِ الْقُرَشِيُّ - قَالَ أَبُو جَعْفَرٍ يَعْنِي ابْنَ عِيسَى: كُنَّا نَقُولُ إِنَّهُ مِنَ الْأَبْدَالِ قَبْلَ أَنْ نَسْمَعَ أَنَّ الْأَبْدَالَ مِنَ الْمَوَالِي - قَالَ: حَدَّثَنِي الدَّخِيلُ بْنُ يُاسِرٍ بْنِ نُوحٍ بْنِ مُجَاعَةَ عَنْ هِلَالِ بْنِ سِرَاجِ بْنِ مُجَاعَةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ مُجَاعَةَ: أَنَّهُ أَتَى النَّبِيَّ ﷺ يَطْلُبُ دِيَةَ أَخِيهِ، فَكَتَبَ بَنُو سَدُوسٍ مِنْ بَنِي دُهْلٍ، فَقَالَ النَّبِيُّ ﷺ: «لَوْ كُنْتُ جَاعِلًا لِمُسْرِكٍ دِيَةَ جَعَلْتُ لِأَخِيكَ، وَلَكِنْ سَأَعْطِيكَ مِنْهُ عُقْبَى»، فَكَتَبَ لَهُ النَّبِيُّ ﷺ

part of that, then Banū Dhuhl accepted Islam. Mujjā'ah asked Abū Bakr for them later on, and brought him the document of the Prophet ﷺ, and Abū Bakr ordered that he be given twelve thousand *Ṣā'* from the *Ṣadaqah* of Al-Yamāmah: Four thousand *Ṣā'* of wheat, four thousand *Ṣā'* of barley, and four thousand *Ṣā'* of dates. In the document of the Prophet ﷺ to Mujjā'ah, it said: "In the Name of Allāh, the Most Gracious, the Most Merciful, this is a letter from Prophet Muḥammad ﷺ to Mujjā'ah bin Murārah of Banū Sulmā. I have granted him one hundred camels from the first *Khumus* taken from the idolaters of Banū Dhuhl, as compensation for his brother." (*Ḍa'īf*)

بِمَائَةٍ مِنَ الْإِبِلِ مِنْ أَوَّلِ خُمْسٍ يَخْرُجُ مِنْ مُشْرِكِي بَنِي ذُهْلٍ فَأَخَذَ طَائِفَةٌ مِنْهَا وَأَسْلَمَتْ بَنُو ذُهْلٍ فَطَلَبَهَا بَعْدُ مُجَاعَةُ إِلَى أَبِي بَكْرٍ وَأَتَاهُ بِكِتَابِ النَّبِيِّ ﷺ، فَكَتَبَ لَهُ أَبُو بَكْرٍ بِاثْنَيْ عَشَرَ أَلْفَ صَاعٍ مِنْ صَدَقَةِ الْيَمَامَةِ: أَرْبَعَةَ أَلْفِ بُرٍّ، وَأَرْبَعَةَ أَلْفِ شَعِيرٍ، وَأَرْبَعَةَ أَلْفِ تَمْرٍ وَكَانَ فِي كِتَابِ النَّبِيِّ ﷺ لِمُجَاعَةَ: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، هَذَا كِتَابٌ مِنْ مُحَمَّدٍ النَّبِيِّ ﷺ لِمُجَاعَةَ بْنِ مُرَارَةَ مِنْ بَنِي سُلَمَى، إِنِّي أُعْطِيتُهُ مِائَةً مِنَ الْإِبِلِ مِنْ أَوَّلِ خُمْسٍ يَخْرُجُ مِنْ مُشْرِكِي بَنِي ذُهْلٍ عُقْبَةً مِنْ أَخِيهِ».

تخريج: [إسناده ضعيف] أخرجه البخاري في التاريخ الكبير: ٤٤/٨ أبو نعيم في معرفة الصحابة: ٢٦٢٢/٥، ح: ٦٣١٠ من حديث عنبة به * الدخيل: مستور وهلال: مجهول الحال، فالسند مظلم.

Chapter 20,21. The Special Portion (*Aṣ-Ṣaḥfī*) Of The Prophet ﷺ That Was Taken From The Spoils Of War

(المعجم ٢٠، ٢١) - بَابُ مَا جَاءَ فِي سَهْمِ الصَّفِيِّ (التحفة ٢١)

2991. It was narrated that 'Āmir Ash-Sha'bī said: "The Prophet ﷺ had a special share called *Aṣ-Ṣaḥfī*, which would be a slave or a slave woman or a horse, according to his wishes, and he would choose it before the *Khumus* was taken out." (*Ḍa'īf*)

٢٩٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ مُطَرِّفٍ، عَنْ عَامِرِ الشَّعْبِيِّ قَالَ: كَانَ لِلنَّبِيِّ ﷺ سَهْمٌ يُدْعَى الصَّفِيُّ إِنْ شَاءَ عَبْدًا وَإِنْ شَاءَ أَمَةً، وَإِنْ شَاءَ قَرَسًا يَخْتَارُهُ قَبْلَ الْخُمْسِ.

تخريج: [إسناده ضعيف] أخرجه النسائي، قسم الفياء، باب: ١، ح: ٤١٥٠ من حديث مطرف به * السند مرسل.

2992. Ibn ‘Awn said: “I asked Muḥammad about the special portion of the Prophet ﷺ, and the *Ṣaḥḥī*. He said: ‘A share would be set aside for him with the Muslims, even if he was not present. The *Ṣaḥḥī* was a head (a slave, or a female slave or a horse) that was set aside for him from the *Khumus* before everything else.” (*Da‘īf*)

٢٩٩٢ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو عَاصِمٍ وَأَزْهَرُ قَالَ: حَدَّثَنَا ابْنُ عَوْنٍ قَالَ: سَأَلْتُ مُحَمَّدًا عَنْ سَهْمِ النَّبِيِّ ﷺ وَالصَّحْفِيِّ، قَالَ: كَانَ يُضْرَبُ لَهُ بِسَهْمٍ مَعَ الْمُسْلِمِينَ وَإِنْ لَمْ يَشْهَدْ، وَالصَّحْفِيُّ يُؤْخَذُ لَهُ رَأْسٌ مِنَ الْخُمْسِ قَبْلَ كُلِّ شَيْءٍ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٠٤/٦ من حديث أبي داود به * السند مرسل.

2993. It was narrated that Qatādah said: “When the Messenger of Allāh ﷺ fought in battle, he would have a special share which he would take from wherever he wanted. *Ṣaḥḥīyah* was part of that share. If he did not take part in the battle, his share would be allocated for him and he did not choose.” (*Da‘īf*)

٢٩٩٣ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ السُّلَمِيُّ: حَدَّثَنَا عُمَرُ بْنُ عَبْدِ الْوَاحِدِ عَنْ سَعِيدِ بْنِ يَنْبَغِيٍّ، عَنْ قَتَادَةَ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ إِذَا غَزَا كَانَ لَهُ سَهْمٌ صَافٍ يَأْخُذُهُ مِنْ حَيْثُ شَاءَ فَكَانَتْ صَفِيَّةُ مِنْ ذَلِكَ السَّهْمِ، وَكَانَ إِذَا لَمْ يَغْزُ بِنَفْسِهِ ضُرِبَ لَهُ بِسَهْمِهِ وَلَمْ يُعَيَّرَ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٣٠٤/٦ من حديث أبي داود به * السند مرسل وضعيف.

2994. It was narrated that ‘Ā‘ishah said: “*Ṣaḥḥīyah* was part of the *Ṣaḥḥī*.” (*Da‘īf*)

٢٩٩٤ - حَدَّثَنَا نَصْرُ بْنُ عَلِيٍّ: حَدَّثَنَا أَبُو أَحْمَدَ: أَخْبَرَنَا سُفْيَانُ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: كَانَتْ صَفِيَّةُ مِنَ الصَّحْفِيِّ.

تخريج: [إسناده ضعيف] * سفیان الثوري: مدلس وعنعن.

2995. It was narrated that Anas bin Mālik said: “We came to *Khaibar* and when Allāh, Exalted is He, granted us victory over the fortress, mention of the beauty of *Ṣaḥḥīyah* bint *Ḥuyayy* was made to him (the Prophet ﷺ). Her husband

٢٩٩٥ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا يَعْقُوبُ بْنُ عَبْدِ الرَّحْمَنِ الزُّهْرِيُّ عَنْ عَمْرِو بْنِ أَبِي عَمْرٍو، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَدِمْنَا خَيْبَرَ فَلَمَّا فَتَحَ اللَّهُ تَعَالَى الْحِصْنَ ذَكَرَ لَهُ جَمَالُ صَفِيَّةَ بِنْتِ حُيَيٍّ وَقَدْ قُتِلَ زَوْجُهَا

had been killed while she was a newly-wed. The Messenger of Allāh chose her for himself, and took her out, then when we reached Sudd Aş-Şahbā', she became permissible, and he consummated (the marriage) with her." (*Ṣaḥīḥ*)

وَكَانَتْ عَرُوسًا، فَاصْطَفَاهَا رَسُولُ اللَّهِ ﷺ لِنَفْسِهِ فَخَرَجَ بِهَا حَتَّى بَلَغْنَا سُدَّ الصَّهْبَاءِ حَلَّتْ قَبْنَى بِهَا.

تخریج: أخرجه البخاري، البيهقي، باب: هل يسافر بالجارية قبل أن يستبرئها، ح: ٢٢٣٥ من

حديث يعقوب به.

Comments:

Sudd Aş-Şahbā' was the name of a place outside Khaibar.

2996. It was narrated that Anas bin Mālik said: "Ṣaḥfiyyah initially fell to the lot of Diḥyah Al-Kalbi, then she fell to the lot of the Messenger of Allāh ﷺ." (*Ṣaḥīḥ*)

٢٩٩٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ عَبْدِ الْعَزِيزِ بْنِ ضَهْبِيبٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: صَارَتْ صَفِيَّةُ لِدَحِيَّةِ الْكَلْبِيِّ ثُمَّ صَارَتْ لِرَسُولِ اللَّهِ ﷺ.

تخریج: [إسناده صحيح] أخرجه ابن ماجه، النكاح، باب الرجل يعتق أمته ثم يتزوجها، ح: ١٩٥٧ من حديث حماد بن زيد به.

2997. It was narrated that Anas said: "A beautiful girl fell to the lot of Diḥyah, then the Messenger of Allāh ﷺ bought her for seven slaves. Then he gave her to Umm Sulaim to adorn her and prepare her." Hammād (one of the narrators) said: "And I think he said: 'And Ṣaḥfiyyah, the daughter of Huyayy, observed her 'Iddah in her house.'" (*Da'īf*)

٢٩٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ خَلَادٍ الْبَاهِلِيُّ: حَدَّثَنَا بَهْرُ بْنُ أَسَدٍ: حَدَّثَنَا حَمَادُ: أَخْبَرَنَا ثَابِتٌ عَنْ أَنَسٍ قَالَ: وَقَعَ فِي سَهْمٍ دَحِيَّةَ جَارِيَةٍ جَمِيلَةٍ فَأَشْتَرَاهَا رَسُولُ اللَّهِ ﷺ بِسَبْعَةِ أَرْؤُسٍ، ثُمَّ دَفَعَهَا إِلَى أُمِّ سُلَيْمٍ تَصْنَعُهَا وَتَهَيِّئُهَا. قَالَ حَمَادُ: وَأَحْسِبُهُ قَالَ: وَتَعْتَدُ فِي بَيْتِهَا صَفِيَّةُ ابْنَتِ حُيَيٍّ.

تخریج: [إسناده ضعيف] * حماد هو ابن زيد.

2998. It was narrated that Anas said: "The captives were gathered, meaning at Khaibar, and Diḥyah came, and said: 'O Messenger of Allāh, give me a slave woman from among the captives.' He said: 'Go and take a slave woman.'" He took

٢٩٩٨ - حَدَّثَنَا دَاوُدُ بْنُ مُعَاذٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ؛ ح: وَحَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ الْمَعْنَى قَالَ: حَدَّثَنَا ابْنُ عَلِيٍّ عَنْ عَبْدِ الْعَزِيزِ ابْنِ ضَهْبِيبٍ، عَنْ أَنَسٍ قَالَ: جُمِعَ السَّبْيُ يَعْنِي بِخَيْرٍ فَجَاءَ دَحِيَّةُ فَقَالَ: يَا رَسُولَ اللَّهِ!

Safīyyah the daughter of Ḥuyayy. A man came to the Prophet ﷺ and said: 'O Messenger of Allāh, did you give Dihyah' — Ya'qūb (one of the narrators) said: 'Safīyyah the daughter of Ḥuyayy' — 'the lady of Quraizah and An-Naḍīr?' Then the two of them (narrators) were in accord: 'She is not worthy for anyone but you.' He said; 'Call him and tell him to bring her.' When the Prophet ﷺ saw her, he said to him: 'Take another slave woman from among the captives.' And the Prophet ﷺ freed her, and married her." (*Ṣaḥīḥ*)

أَعْطَانِي جَارِيَةً مِنَ السَّبْيِ، قَالَ: «أَذْهَبَ فَخُذْ جَارِيَةً»، فَأَخَذَ صَفِيَّةَ ابْنَةِ حَيٍّ فَبَاءَ رَجُلٌ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا رَسُولَ اللَّهِ! أَعْطَيْتَ دَحِيَّةَ - قَالَ يَعْقُوبُ: صَفِيَّةَ ابْنَةَ حَيٍّ - سَيِّدَةَ قُرَيْظَةَ وَالنَّضِيرِ ثُمَّ اتَّفَقَا مَا تَصْلُحُ إِلَّا لَكَ، قَالَ: «ادْعُوهُ بِهَا»، فَلَمَّا نَظَرَ إِلَيْهَا النَّبِيُّ ﷺ قَالَ لَهُ: «خُذْ جَارِيَةً مِنَ السَّبْيِ غَيْرَهَا»، وَإِنَّ النَّبِيَّ ﷺ أَعْتَقَهَا وَتَزَوَّجَهَا.

تخريج: أخرجه البخاري، الجهاد والسير، باب من غزا بصبي للخدمة، ح: ٢٨٩٣ من حديث يعقوب بن إبراهيم، ومسلم، النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها، ح: ١٣٦٥، بعد، ح: ١٤٢٧ من حديث إسماعيل ابن عليه به.

2999. Yazīd bin 'Abdullāh said: "We were in Al-Mirbad, and a man with dishevelled hair came, with a piece of red leather in his hand. We said: 'It is as if you are one of the people of the desert?' He said: 'Yes.' We said: 'Give us this piece of leather that is in your hand.' He gave it to us, and we read what was on it. It said: 'From Muḥammad the Messenger of Allāh to Banū Zuhair bin Uqaish. If you bear witness that 'none has the right to be worshiped but Allāh, and that Muḥammad is the Messenger of Allāh, establish the *Ṣalāt*, pay the *Zakāt*, pay the *Khumus* from the spoils of war, and give the share of the Prophet ﷺ and the special portion (*Aṣ-Ṣaft*), then you will be protected with the protection of

٢٩٩٩ - حَدَّثَنَا مُسْلِمٌ بْنُ أَبِرَاهِيمَ: حَدَّثَنَا قُرَّةُ قَالَ: سَمِعْتُ يَزِيدَ بْنَ عَبْدِ اللَّهِ قَالَ: كُنَّا بِالْمَرْبَدِ فَبَاءَ رَجُلٌ أَشْعَثَ الرَّأْسِ بِيَدِهِ قِطْعَةً أَدِيمٍ، أَحْمَرَ، فَقُلْنَا: كَأَنَّكَ مِنْ أَهْلِ الْبَادِيَةِ؟ قَالَ: أَجَلٌ. قُلْنَا: نَاوِلْنَا هَذِهِ الْقِطْعَةَ الْأَدِيمَ الَّتِي فِي يَدِكَ، فَنَاوِلْنَاَهَا، فَقَرَأْنَا مَا فِيهَا فَاذًا فِيهَا: «مِنْ مُحَمَّدٍ رَسُولِ اللَّهِ إِلَى بَنِي زُهَيْرِ بْنِ أُقَيْشٍ، إِنَّكُمْ إِنْ شَهِدْتُمْ أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ وَأَقَمْتُمْ الصَّلَاةَ وَآتَيْتُمُ الزَّكَاةَ وَادَّيْتُمُ الْخُمْسَ مِنَ الْمَغْنَمِ وَسَهَّمُوا النَّبِيَّ ﷺ وَسَهَّمُوا الصَّفِيَّ أَنْتُمْ آمِنُونَ بِأَمَانِ اللَّهِ وَرَسُولِهِ»، فَقُلْنَا: مَنْ كَتَبَ لَكَ هَذَا الْكِتَابَ؟ قَالَ: رَسُولُ اللَّهِ ﷺ.

Allāh and His Messenger.' We said: 'Who wrote this document for you?' He said: 'The Messenger of Allāh ﷺ.'" (*Ṣaḥīḥ*)

تخریج: [إسناده صحيح] أخرجه النسائي، قسم الفیء، باب: ١، ح: ٤١٥١ من حديث يزيد ابن عبدالله بن الشخير به وصححه ابن الجارود، ح: ١٠٩٩ وابن حبان، ح: ٩٤٩ * الصحابي: اسمه النمر بن تولب الشاعر.

Chapter 21,22. How Were the Jews Expelled from Al-Madīnah?

3000. It was narrated from 'Abdur-Raḥmān bin 'Abdullāh bin Ka'b bin Mālik, from his father, who was one of the three whose repentance was accepted: "Ka'b bin Al-Ashraf used to lampoon the Prophet ﷺ and incite the disbelievers of the Quraish against him. When the Prophet ﷺ came to Al-Madīnah, its people were a mixture of Muslims, idolaters who worshipped idols, and Jews, who used to annoy the Prophet ﷺ and his Companions. Allāh, Glorified and Exalted is He, commanded His Prophet ﷺ to be patient and tolerant. Concerning them, Allāh revealed the words: 'And you shall certainly hear much that will grieve you from those who received the Scripture before you (Jews and Christians).'^[1] When Ka'b bin Al-Ashraf persisted in annoying the Prophet ﷺ, the Prophet ﷺ ordered Sa'd bin Mu'adh to send a group of men to kill him, and he

(المعجم ٢١، ٢٢) بَابُ: كَيْفَ كَانَ إِخْرَاجُ الْيَهُودِ مِنَ الْمَدِينَةِ؟ (التحفة ٢٢)

٣٠٠٠ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنُ فَارِسٍ أَنَّ الْحَكَمَ بْنَ نَافِعٍ حَدَّثَهُمْ قَالَ: أَخْبَرَنَا شُعَيْبُ بْنُ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ كَعْبٍ بْنِ مَالِكٍ، عَنْ أَبِيهِ، وَكَانَ أَحَدَ الثَّلَاثَةِ الَّذِينَ تَبَّ عَلَيْهِمْ: وَكَانَ كَعْبُ بْنُ الْأَشْرَفِ يَهْجُو النَّبِيَّ ﷺ وَيَحْرُضُ عَلَيْهِ كُفَّارًا فُرَيْشِيًّا، وَكَانَ النَّبِيُّ ﷺ حِينَ قَدِمَ الْمَدِينَةَ وَأَهْلُهَا أَخْلَاطٌ مِنْهُمْ الْمُسْلِمُونَ وَالْمُشْرِكُونَ يَعْبُدُونَ الْأَوْثَانَ وَالْيَهُودَ، وَكَانُوا يُؤْذُونَ النَّبِيَّ ﷺ وَأَصْحَابَهُ، فَأَمَرَ اللَّهُ عَزَّوَجَلَّ نَبِيَّهُ ﷺ بِالصَّبْرِ وَالْعَفْوِ فَبِهِمْ أَنْزَلَ اللَّهُ: ﴿وَلَتَسْمَعَنَّ مِنَ الَّذِينَ آوَوْا إِلَيْكَ كِتَابَ مِنْ قَبْلِكَ﴾ [آل عمران: ١٨٦] الْآيَةَ فَلَمَّا أَبَى كَعْبُ بْنُ الْأَشْرَفِ أَنْ يَنْزِعَ عَنْ أَدَى النَّبِيِّ ﷺ أَمَرَ النَّبِيُّ ﷺ سَعْدَ بْنَ مُعَاذٍ أَنْ يَبْعَثَ رَهْطًا يَقْتُلُونَهُ، فَبَعَثَ مُحَمَّدٌ بْنُ مَسْلَمَةَ، وَذَكَرَ قِصَّةَ قَتْلِهِ، فَلَمَّا قَتَلُوهُ فَرَعَتِ الْيَهُودُ

[1] *Āl-Imrān* 3:186.

sent Muḥammad bin Maslamah.” He told the story of his killing. “When they killed him, the Jews and idolators panicked, so they rushed to the Prophet ﷺ right away, and said: ‘Our companion was attacked at night and killed.’ The Prophet ﷺ reminded them of what he used to say, and the Prophet ﷺ invited them to write a document between him and them, to serve as a point of reference between him and them. So the Prophet wrote a document between him and them, and the Muslims in general.” (*Daʿīf*)

تخريج: [إسناده ضعيف] أخرجه البيهقي في دلائل النبوة: ١٩٨/٣ من حديث أبي داود به، وللحديث شواهد * الزهري مدلس وعن.

3001. It was narrated that Ibn ‘Abbās said: “When the Messenger of Allāh ﷺ defeated the Quraish on the Day of Badr, and arrived in Al-Madīnah, he assembled the Jews in the market place of Banū Qainuqā’ and said: ‘O Jews, become Muslim before there befalls you something like that which befell the Quraish.’ They said: ‘O Muḥammad, do not be haughty because you defeated a group of the Quraish who were insignificant, and did not know how to fight. If you fought us, you would have known that we are the people, and you had never met people like us.’ Then Allāh revealed: ‘Say to those who disbelieve: “You will be defeated.”’ Muṣarrif (one of the narrators) recited as far as: ‘One was fighting in the Cause of Allāh, — at Badr

وَالْمُشْرِكُونَ، فَغَدَوْا عَلَى النَّبِيِّ ﷺ، فَقَالُوا: طَرِقَ صَاحِبُنَا فَقُتِلَ فَذَكَرَ لَهُمُ النَّبِيُّ ﷺ الَّذِي كَانَ يَقُولُ وَدَعَاهُمْ النَّبِيُّ ﷺ إِلَى أَنْ يَكْتُبَ بَيْنَهُ وَبَيْنَهُمْ كِتَابًا يَتَّبِعُونَ إِلَى مَا فِيهِ. فَكَتَبَ النَّبِيُّ ﷺ بَيْنَهُ وَبَيْنَهُمْ وَبَيْنَ الْمُسْلِمِينَ عَامَّةً صَحِيفَةً.

٣٠٠١ - حَدَّثَنَا مُصَرِّفُ بْنُ عَمْرٍو [الْيَامِيُّ]: حَدَّثَنَا يُونُسُ بْنُ بُكَيْرٍ قَالَ: حَدَّثَنَا مُحَمَّدُ بْنُ إِسْحَاقَ: حَدَّثَنِي مُحَمَّدُ بْنُ أَبِي مُحَمَّدٍ مَوْلَى زَيْدِ بْنِ ثَابِتٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ وَعِكْرَمَةَ، عَنْ ابْنِ عَبَّاسٍ قَالَ: لَمَّا أَصَابَ رَسُولُ اللَّهِ ﷺ قُرَيْشًا يَوْمَ بَدْرٍ وَقَدِمَ الْمَدِينَةَ جَمَعَ الْيَهُودَ فِي سُوقِ بَنِي قَيْنِقَاعَ فَقَالَ: «يَا مَعْشَرَ يَهُودَ! أَسْلِمُوا قَبْلَ أَنْ يُصِيبَكُمْ مِثْلُ مَا أَصَابَ قُرَيْشًا»، قَالُوا: يَا مُحَمَّدُ! لَا يَغُرُّكَ مِنْ نَفْسِكَ أَنَّكَ قَتَلْتَ نَفَرًا مِنْ قُرَيْشٍ كَانُوا أَعْمَارًا لَا يَعْرِفُونَ الْقِتَالَ، إِنَّكَ لَوْ قَاتَلْتَنَا لَعَرَفْتَ أَنَّ نَحْنُ النَّاسُ وَأَنْتَ لَمْ تَلَقْ مِثْلَنَا، فَأَنْزَلَ اللَّهُ تَعَالَى: ﴿قُلْ لِلَّذِينَ كَفَرُوا سَعْلُوبٌ﴾ قَرَأَ مُصَرِّفٌ إِلَى قَوْلِهِ: ﴿فَعَنَّا نَقْتُلُ فِي سَبِيلِ اللَّهِ﴾ بِدَرْ

— and as for the other, (they) were disbelievers.”^[1] (*Da'if*)

تخریج: [إسناده ضعيف] أخرجه ابن جریر الطبري في تفسيره: ۱۲۸/۳ من حديث یونس بن بكیر به * محمد بن أبي محمد: مستور لم یوثقه غیر ابن حبان.

3002. It was reported from the daughter of Muḥayyiṣah, that she narrated from her father, Muḥayyiṣah that the Messenger of Allāh ﷺ said: “If you gain victory over any Jewish man, then kill him.” Muḥayyiṣah jumped on Shubaibah — a Jewish merchant who used to mix with them — and killed him. Huwayyiṣah had not become a Muslim at that time, and was older than Muḥayyiṣah. When he killed him, Huwayyiṣah started beating him (his brother) and saying: “O enemy of Allāh, by Allāh you prospered a great deal from his wealth.” (*Da'if*)

تخریج: [إسناده ضعيف] أخرجه البيهقي في الدلائل: ۲۰۰/۳ من حديث ابن إسحاق به وهو في العقد التمام في تخریج السيرة لابن هشام: ۵۸/۲ * مولى زيد: مستور، انظر الحديث السابق، وبنيت محیصة: لا تعرف.

3003. It was narrated from Abū Hurairah that he said: “While we were in the *Masjid*, the Messenger of Allāh ﷺ came out to us, and said: ‘Let us go to the Jews.’ So we set out with him, and when we came to them, the Messenger of Allāh ﷺ started calling out to them, saying: ‘O Jews! Accept Islam and you will be safe.’ They said: ‘You have conveyed the message, O Abul-Qāsim.’ The Messenger of Allāh ﷺ said to them: ‘Accept Islam and you will

۳۰۰۲ - حَدَّثَنَا مُصَرِّفُ بْنُ عَمْرٍو: حَدَّثَنَا يُونُسُ، قَالَ ابْنُ إِسْحَاقَ: حَدَّثَنِي مَوْلَى لَزِيدِ بْنِ ثَابِتٍ قَالَ: حَدَّثَنِي بِنْتُ مُحَيِّصَةَ عَنْ أَبِيهَا مُحَيِّصَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ ظَفِرْتُمْ بِهِ مِنْ رِجَالِ يَهُودَ فَاقْتُلُوهُ» فَوَتَبَ مُحَيِّصَةُ عَلَى شَيْبَةَ - رَجُلٍ مِنْ تُجَّارِ يَهُودَ - كَانَ يَلَابِسُهُمْ فَقَتَلَهُ وَكَانَ حُوصَصَهُ إِذْ ذَاكَ لَمْ يُسَلِّمْ وَكَانَ أَسَنُّ مِنْ مُحَيِّصَةَ فَلَمَّا قَتَلَهُ جَعَلَ حُوصَصَهُ يَضْرِبُهُ وَيَقُولُ: أَيُّ عَدُوِّ اللَّهِ! أَمَا وَاللَّهِ! لَرُبِّ شَحْمٍ فِي بَطْنِكَ مِنْ مَالِهِ.

۳۰۰۳ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ سَعِيدِ بْنِ أَبِي سَعِيدٍ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ: بَيْنَا نَحْنُ فِي الْمَسْجِدِ إِذْ خَرَجَ إِلَيْنَا رَسُولُ اللَّهِ ﷺ فَقَالَ: «انْطَلِقُوا إِلَى يَهُودَ» فَخَرَجْنَا مَعَهُ حَتَّى جِئْنَاهُمْ فَقَامَ رَسُولُ اللَّهِ ﷺ فَتَذَاهُمْ فَقَالَ: «يَا مَعْشَرَ يَهُودَ! أَسْلِمُوا تَسْلَمُوا». فَقَالُوا: قَدْ بَلَغَتْ يَا أَبَا الْقَاسِمِ! فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «أَسْلِمُوا تَسْلَمُوا». فَقَالُوا: قَدْ بَلَغَتْ يَا أَبَا

^[1] *Al-Imrān* 3:12,13.

be safe.' They said: 'You have conveyed the message, O Abul-Qāsim.' The Messenger of Allāh ﷺ said to them: 'That is what I want.' Then he said it a third time: 'Understand that the land belongs only to Allāh and His Messenger, and I intend to expel you from this land. Whoever among you has property, let him sell it, otherwise you should understand that the land belongs only to Allāh and His Messenger.'" (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجهاد والسير، باب إجماع اليهود من الحجاز، ح: ١٧٦٥ عن قتيبة، والبخاري، الجزية والموادعة، باب إخراج اليهود من جزيرة العرب، ح: ٣١٦٧ من حديث الليث ابن سعد به.

Chapter 22,23. Regarding The Incidents With An-Naḍīr

3004. It was narrated from 'Abdur-Raḥmān bin Ka'b bin Mālik, from a man among the Companions of the Prophet ﷺ, that the disbelievers of the Quraish wrote to Ibn Ubayy and the people with him of Al-Aws and Al-Khazraj, who used to worship idols. The Messenger of Allāh ﷺ was in Al-Madīnah at that time, before the Battle of Badr. (In their letter, they said): "You have given protection to our companion, but we swear by Allāh that you should fight him or expel him, or we shall come to you with full force and kill your warriors and capture your womenfolk." When that reached 'Abdullāh bin Ubayy and the idol-worshippers who were with him, they gathered to fight the

الْقَاسِمِ! فَقَالَ لَهُمْ رَسُولُ اللَّهِ ﷺ: «ذَلِكَ أُرِيدُ»، ثُمَّ قَالَهَا الثَّالِثَةَ: «اعْلَمُوا أَنَّمَا الْأَرْضُ لِلَّهِ وَرَسُولِهِ وَإِنِّي أُرِيدُ أَنْ أُجْلِيَكُمْ مِنْ هَذِهِ الْأَرْضِ فَمَنْ وَجَدَ مِنْكُمْ بِمَالِهِ شَيْئًا فَلْيَبِعْهُ وَلَا فَاغْلُمُوا أَنَّمَا الْأَرْضُ لِلَّهِ وَرَسُولِهِ».

(المعجم ٢٢، ٢٣) بَابُ: فِي خَبَرِ النَّضِيرِ
(التحفة ٢٣)

٣٠٠٤ - حَدَّثَنَا مُحَمَّدُ بْنُ دَاوُدَ بْنِ سُفْيَانَ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبٍ بْنِ مَالِكٍ عَنْ رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ: أَنَّ كُفَّارَ قُرَيْشٍ كَتَبُوا إِلَى ابْنِ أَبِي وَمَنْ كَانَ يَعْبُدُ مَعَهُ الْأَوْثَانَ مِنَ الْأَوْسِ وَالْخَزْرَجِ وَرَسُولُ اللَّهِ ﷺ يَوْمَئِذٍ بِالْمَدِينَةِ قَبْلَ وَعْدِهِ بِدَرْ: إِنَّكُمْ آوَيْتُمْ صَاحِبَنَا وَإِنَّا نَقْسِمُ بِاللَّهِ لَتَقَاتِلَنَّهُ أَوْ لَتَخْرِجَنَّهُ أَوْ لَنَسِيرَنَّ إِلَيْكُمْ بِأَجْمَعِنَا حَتَّى نَقْتُلَ مُقَاتِلَتَكُمْ وَنَسْتَبِيحَ نِسَاءَكُمْ، فَلَمَّا بَلَغَ ذَلِكَ عَبْدُ اللَّهِ بْنُ أَبِي وَمَنْ كَانَ مَعَهُ مِنْ عِبَادَةِ الْأَوْثَانِ اجْتَمَعُوا لِقِتَالِ رَسُولِ اللَّهِ ﷺ، فَلَمَّا بَلَغَ ذَلِكَ النَّبِيُّ ﷺ لَقِيَهُمْ فَقَالَ: «لَقَدْ بَلَغَ وَعِيدُ قُرَيْشٍ مِنْكُمْ الْمَبَالِغَ مَا كَانَتْ تَكِيدُكُمْ

Messenger of Allāh ﷺ. When news of that reached the Prophet ﷺ, he met with them, and said: "The threat of the Quraish to you has affected you greatly. Their plot cannot do you more harm than the harm you could bring upon yourselves. Do you want to fight your sons and brothers?" When they heard that from the Prophet ﷺ, they dispersed. News of that reached the disbelievers of the Quraish. After the Battle of Badr, the disbelievers of the Quraish wrote to the Jews saying: "You are people of weapons and fortresses; you should fight our companion, or we shall do such and such, and nothing will come between us and the anklets of your womenfolk." When news of their letter reached the Prophet ﷺ, Banū An-Naḍir decided on treachery. They sent word to the Prophet ﷺ saying: "Send thirty of your men out to us, and we will send out thirty of our rabbis, so that they may meet in a place half way between us and you, and they will listen to what you have to say. If they accept it, and believe in you, then we will believe in you." And he told the story. "The next day the Messenger of Allāh ﷺ came to them with the troops and besieged them. He said to them: 'By Allāh, you will not be safe from me unless you conclude a treaty with me.' But they refused to give him a covenant, so he fought them that day.

Then the next day, he went with the army to Banū Quraizah, and

بِأَكْثَرِ مِمَّا تُرِيدُونَ أَنْ تَكِيدُوا بِهِ أَنْفُسَكُمْ تُرِيدُونَ أَنْ تُقَاتِلُوا أَبْنَاءَكُمْ وَإِخْوَانَكُمْ، فَلَمَّا سَمِعُوا ذَلِكَ مِنَ النَّبِيِّ ﷺ تَفَرَّقُوا، فَلَبَّغَ ذَلِكَ كُفَّارَ قُرَيْشٍ، فَكَتَبَتْ كُفَّارُ قُرَيْشٍ بَعْدَ وَقْعَةِ بَدْرٍ إِلَى الْيَهُودِ: إِنَّكُمْ أَهْلُ الْحَلَقَةِ وَالْحُصُونِ، وَإِنَّكُمْ لَتَقَاتِلُنَّ صَاحِبَنَا أَوْ لَتَفْعَلُنَّ كَذَا وَكَذَا وَلَا يَحُولُ بَيْنَنَا وَبَيْنَ خَدَمِ نِسَائِكُمْ شَيْءٌ - وَهِيَ الْخَلَاخِيلُ - فَلَمَّا بَلَغَ كِتَابُهُمُ النَّبِيَّ ﷺ أَجْمَعَتْ بَنُو النَّضِيرِ بِالْعَدْرِ، فَأَرْسَلُوا إِلَى النَّبِيِّ ﷺ اخْرُجْ إِلَيْنَا فِي ثَلَاثِينَ رَجُلًا مِنْ أَصْحَابِكَ وَلِيُخْرِجَ مِنَّا ثَلَاثُونَ حَبْرًا حَتَّى نَلْتَقِيَ بِمَكَانِ الْمُنْصَفِ فَيَسْمَعُوا مِنَّا فَإِنْ صَدَّقُوا وَآمَنُوا بِكَ آمَنَّا بِكَ فَقَصَّ خَبَرَهُمْ، فَلَمَّا كَانَ الْعَدَاةُ عَلَيْهِمْ رَسُولُ اللَّهِ ﷺ بِالْكَتَائِبِ فَحَصَرَهُمْ فَقَالَ لَهُمْ: «إِنَّكُمْ وَاللَّهِ! لَا تَأْمُنُونَ عِنْدِي إِلَّا بِعَهْدِ تَعَاهِدُونِي عَلَيْهِ»، فَأَبَوْا أَنْ يُعْطَوْهُ عَهْدًا، فَقَاتَلَهُمْ يَوْمَهُمْ ذَلِكَ، ثُمَّ غَدَا الْعَدَاةُ عَلَى بَنِي قُرَيْظَةَ بِالْكَتَائِبِ وَتَرَكَ بَنِي النَّضِيرِ وَدَعَاهُمْ إِلَى أَنْ يُعَاهِدُوهُ فَعَاهَدُوهُ فَأَنْصَرَفَ عَنْهُمْ وَغَدَا عَلَى بَنِي النَّضِيرِ بِالْكَتَائِبِ، فَقَاتَلَهُمْ حَتَّى نَزَلُوا عَلَى الْجَلَاءِ فَجَلَّتْ بَنُو النَّضِيرِ وَاحْتَمَلُوا مَا أَقْلَتِ الْإِبِلُ مِنْ أُمْتِعَتِهِمْ وَأَبْوَابِ بُيُوتِهِمْ وَخَشَبَتِهَا، فَكَانَ نَحْلُ بَنِي النَّضِيرِ لِرَسُولِ اللَّهِ ﷺ خَاصَّةً أَعْطَاهُ اللَّهُ إِيَّاهَا وَخَصَّهُ بِهَا فَقَالَ تَعَالَى: ﴿وَمَا آفَاءَ اللَّهِ عَلَى رَسُولِهِ مِنْهُمْ فَمَا أَوْحَفْتُمْ عَلَيْهِ مِنْ خَيْلٍ وَلَا رِكَابٍ﴾

left Banū An-Naḍīr alone. He called (Banū Quraizah) to make a covenant with him, and they made a covenant with him, so he left them alone, and went back to Banū An-Naḍīr with the army, and fought them until they agreed to go in exile. So Banū An-Naḍīr left, and they took with them whatever their camels could carry of their belongings, (even) the doors of their houses and their wood. The palm trees of Banu An-Naḍīr were exclusively for the Messenger of Allāh ﷺ; Allāh granted them to him alone. Allāh said: 'And what Allāh gave as *Fai'* to His Messenger from them — for this you made no expedition with either cavalry or camelry'^[1] meaning, without fighting. The Prophet ﷺ gave most of it to the *Muhājirīn* and divided it among them, and he gave shares to two *Ansārī* men who were in need, but he did not give shares to any other *Anṣār* apart from them. And some of it remained as charity on behalf of the Messenger of Allāh ﷺ, and was administered by the sons of Fāṭimah, may Allāh be pleased with her." (*Da'īf*)

[الحشر: ٦] يَقُولُ بِغَيْرِ قِتَالٍ فَأَعْطَى النَّبِيُّ ﷺ أَكْثَرَهَا لِلْمُهَاجِرِينَ وَقَسَمَهَا بَيْنَهُمْ وَقَسَمَ مِنْهَا لِرَجُلَيْنِ مِنَ الْأَنْصَارِ كَأَنَّا ذَوِي حَاجَةٍ لَمْ يَقْسِمِ لِأَحَدٍ مِنَ الْأَنْصَارِ غَيْرَهُمَا، وَبَقِيَ مِنْهَا صَدَقَةُ رَسُولِ اللَّهِ ﷺ الَّتِي فِي أَيْدِي بَنِي فَاطِمَةَ رَضِيَ اللَّهُ عَنْهَا.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٣٢/٩ وفي الدلائل: ١٧٨/٣ من حديث أبي داود به وهو في مصنف عبدالرزاق، ح: ٩٧٣٣ * الزهري مدلس وعنعن.

Comments:

Since no armed conflict or fighting took place with Banu An-Naḍīr, but just a siege by the Muslims, and the Jews agreed to vacate the city without a fight, the movable and immovable properties left behind by them fell under the category of *Fai'*, and therefore the disposal thereof was the sole prerogative of the Prophet (ﷺ). The Messenger Allāh utilized the *Fai'* proceeds for the help

[1] *Al-Hashr* 59: 6.

of those rendered orphans during the Battle of Badr, and others who were needy.

3005. It was narrated from Nāfi', from Ibn 'Umar, that the Jews of An-Naḍir and Quraizah fought the Messenger of Allāh ﷺ, and the Messenger of Allāh ﷺ expelled Banū An-Naḍir, but he let Quraizah stay, and he showed kindness to them until Quraizah fought (the Muslims) after that. Then he killed their men and distributed their womenfolk, wealth and children among the Muslims, apart from some of them who came to the Messenger of Allāh ﷺ, so he granted them safety, and they accepted Islam. The Messenger of Allāh ﷺ expelled all the Jews of Al-Madīnah: Banu Qainuqā', who were the people of 'Abdullāh bin Salām, the Jews of Banū Hārithah, and every Jew who was in Al-Madīnah. (*Ṣaḥīḥ*)

٣٠٠٥ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنُ فَارَسٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ مُوسَى بْنِ عُقْبَةَ، عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ يَهُودَ النَّضِيرِ وَقُرَيْظَةَ حَارَبُوا رَسُولَ اللَّهِ ﷺ فَأَجْلَى رَسُولُ اللَّهِ ﷺ بَنِي النَّضِيرِ وَأَقْرَ قُرَيْظَةَ وَمَنْ عَلَيْهِمْ حَتَّى حَارَبَتْ قُرَيْظَةَ بَعْدَ ذَلِكَ، فَقَتَلَ رِجَالَهُمْ وَقَسَمَ نِسَاءَهُمْ وَأَمْوَالَهُمْ وَأَوْلَادَهُمْ بَيْنَ الْمُسْلِمِينَ إِلَّا بَعْضَهُمْ لِحَقُوا بِرَسُولِ اللَّهِ ﷺ فَأَمَنَهُمْ وَأَسْلَمُوا وَأَجْلَى رَسُولُ اللَّهِ ﷺ يَهُودَ الْمَدِينَةِ كُلَّهُمْ بَنِي قَيْنَقَاعَ وَهُمْ قَوْمُ عَبْدِ اللَّهِ بْنِ سَلَامٍ وَيَهُودَ بَنِي حَارِثَةَ وَكُلَّ يَهُودِيٍّ كَانَ بِالْمَدِينَةِ.

تخريج: أخرجه البخاري، المغازي، باب حديث بني النضير ... إلخ، ح: ٤٠٢٨، ومسلم، الجهاد والسير، باب إجلاء اليهود من الحجاز، ح: ١٧٦٦ من حديث عبدالرزاق به، وهو في المصنف له، ح: ٩٩٨٨.

Chapter 23,24. What Has Been Related About The Ruling On The Land Of Khaibar

3006. It was narrated from Hammād bin Salamah from 'Ubaidullāh bin 'Umar, he said: "I think it was from Nāfi', from Ibn 'Umar, that the Prophet ﷺ fought the people of Khaibar and captured their land and palm trees. He besieged them in their fortresses, and they made a

(المعجم ٢٣، ٢٤) - بَابُ مَا جَاءَ فِي حُكْمِ أَرْضِ خَيْبَرَ (التحفة ٢٤)

٣٠٠٦ - حَدَّثَنَا هَارُونُ بْنُ زَيْدٍ بْنُ أَبِي الزَّرْقَاءِ: حَدَّثَنَا أَبِي: حَدَّثَنَا حَمَادُ بْنُ سَلَمَةَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ، قَالَ: أَحْبَبُهُ عَنْ نَافِعٍ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ قَاتَلَ أَهْلَ خَيْبَرَ فَقَلَبَ عَلَى الْأَرْضِ وَالْخَلِ وَالْجَاهُ إِلَى قَصْرِهِمْ فَصَالَحُوهُ عَلَى أَنْ لِرَسُولِ اللَّهِ

covenant, stating that the Messenger of Allāh ﷺ would have the gold, silver and weapons, and they would have whatever their mounts could carry, so long as they did not conceal anything or hide anything; if they did that, they would have no protection or covenant. They hid the purse of Ḥuyayy bin Akḥṭab who had been killed before Khaibar, which he had taken away with him on the day of Banu An-Nadīr when An-Nadīr were expelled. In it were their adornments. The Prophet ﷺ said to Sa'yah: 'Where is the jewellery of Ḥuyayy bin Akḥṭab?' He said: 'Wars and other expenses exhausted it.' But they found the jewellery, so Ibn Abī Al-Ḥuqaiq was executed, and their women and children were taken captive. He wanted to expel them, but they said: 'O Muḥammad, let us work this land and half of the yield will be for us — as you see fit — and half will be for you.' The Messenger of Allāh ﷺ gave eighty *Wasq* of dates, and twenty *Wasq* of barley to each of his wives." (*Da'if*)

تخريج: [إسناده ضعيف] علقه البخاري، ح: ٢٧٣٠ من حديث حماد بن سلمة به، وللحديث شواهد حماد بن مسلمة شذ في اتصاله، وحديث البخاري، ح: ٢٧٣٠ يغني عنه.

3007. It was narrated from 'Abdullāh bin 'Umar that 'Umar said: "O people, the Messenger of Allāh ﷺ made a covenant with the Jews of Khaibar saying: 'We will expel them whenever we wish, so whoever has property let him take it back, for I am going to expel the Jews.' Then he expelled them." (*Hasan*)

ﷺ الصَّفْرَاءَ وَالْبَيْضَاءَ وَالْحُلَقَةَ وَلَهُمْ مَا حَمَلَتْ رِكَابُهُمْ عَلَى أَنْ لَا يَكْتُمُوا وَلَا يُعَيَّبُوا شَيْئًا فَإِنْ فَعَلُوا فَلَا دِمَّةَ لَهُمْ وَلَا عَهْدَ، فَعَيَّبُوا مَسَكًا لِحُيَيِّ بْنِ أَخْطَبَ وَقَدْ كَانَ قُتِلَ قَبْلَ خَيْرٍ كَانَ اخْتَمَلَهُ مَعَهُ يَوْمَ بَنِي النَّضِيرِ حِينَ أُجْلِيَتِ النَّضِيرُ فِيهِ حُلِيَّتُهُمْ. وَقَالَ: فَقَالَ النَّبِيُّ ﷺ لِسَعِيَةَ: «أَيْنَ مَسْكُ حُيَيِّ بْنِ أَخْطَبَ؟» قَالَ: أَذْهَبَتْهُ الْحُرُوبُ وَالنَّفَقَاتُ، فَوَجَدُوا الْمَسِكَ فَقَتَلَ ابْنُ أَبِي الْحَقِيقِ، وَسُبِّي نِسَائُهُمْ وَذَرَارِيُّهُمْ وَأَرَادَ أَنْ يُجْلِيَهُمْ فَقَالُوا: يَا مُحَمَّدُ! دَعْنَا نَعْمَلُ فِي هَذِهِ الْأَرْضِ، وَلَنَا الشَّطْرُ - مَا بَدَا لَكَ - وَلَكُمْ الشَّطْرُ وَكَانَ رَسُولُ اللَّهِ ﷺ يُعْطِي كُلَّ امْرَأَةٍ مِنْ نِسَائِهِ ثَمَانِينَ وَسَقًا مِنْ تَمْرٍ وَعَشْرِينَ وَسَقًا مِنْ شَعِيرٍ.

٣٠٠٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا بِنُ إِسْحَاقَ قَالَ: حَدَّثَنِي نَافِعٌ مَوْلَى عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّ عُمَرَ قَالَ: يَا أَيُّهَا النَّاسُ! إِنَّ رَسُولَ اللَّهِ ﷺ كَانَ عَامَلَ يَهُودَ خَيْرَ عَلَى أَنْ نُخْرِجَهُمْ إِذَا شِئْنَا، وَمَنْ

كَانَ لَهُ مَالٌ فَلْيَلْحَقْ بِهِ فَإِنِّي مُخْرِجُ يَهُودَ
فَأَخْرَجَهُمْ.

تخريج: [إسناده حسن] أخرجه البيهقي: ٥٦/٩ من حديث أبي داود به، وهو في مسند أحمد: ١٥/١ ورواه البخاري، ح: ٢٧٣٠ من حديث نافع به.

3008. It was narrated from Usāmah bin Zaid Al-Laithī, from Nāfi', from 'Abdullāh bin 'Umar, who said: "When Khaibar was conquered, the Jews asked the Messenger of Allāh ﷺ to let them stay on the condition that they would work the land in return for half of the yield. The Messenger of Allāh ﷺ said: 'I will let you stay on that condition for as long as we wish.' So they followed that. The dates from the yeild of Khaibar would be divided into shares, and the Messenger of Allāh ﷺ would take the Khumus. The Messenger of Allāh ﷺ would give each of his wives one hundreds *Wasq* of dates and twenty *Wasq* of barley from the Khumus. When 'Umar wanted to expel the Jews, he sent word to the wives of the Prophet ﷺ, and said to them: 'Whoever among you would like, I will allocate to her palm trees based on the yield of one hundred *Wasq*; and the trees, the land and the water in that land will belong to her, along with land that may yield twenty *Wasq* (of barley). And whoever wishes to take out her portion from the Khumus as she used to, we shall do that.'" (*Sahih*)

٣٠٠٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ
الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أَسَامَةُ
ابْنُ زَيْدٍ اللَّيْثِيُّ عَنْ نَافِعٍ، عَنْ عَبْدِ اللَّهِ بْنِ
عُمَرَ قَالَ: لَمَّا افْتَتِحَتْ خَيْبَرُ سَأَلَتِ يَهُودُ
رَسُولَ اللَّهِ ﷺ أَنْ يُقَرَّهُمْ عَلَى أَنْ يَعْمَلُوا
عَلَى النِّصْفِ مِمَّا خَرَجَ مِنْهَا، فَقَالَ رَسُولُ
اللَّهِ ﷺ: «أُفِرُّكُمْ فِيهَا عَلَى ذَلِكَ مَا شِئْنَا»
فَكَانُوا عَلَى ذَلِكَ، وَكَانَ الثَّمَرُ يُقَسَّمُ عَلَى
الشُّهُمَانِ مِنْ نِصْفِ خَيْبَرَ وَيَأْخُذُ رَسُولُ اللَّهِ
ﷺ الْخُمْسَ، وَكَانَ رَسُولُ اللَّهِ ﷺ أَطْعَمَ كُلَّ
امْرَأَةٍ مِنْ أَزْوَاجِهِ مِنَ الْخُمْسِ مِائَةَ وَسْقٍ تَمْرًا
وَعِشْرِينَ وَسَقًا مِنْ شَعِيرٍ، فَلَمَّا أَرَادَ عُمَرُ
إِخْرَاجَ الْيَهُودِ أَرْسَلَ إِلَى أَزْوَاجِ النَّبِيِّ ﷺ
فَقَالَ لَهُنَّ مَنْ أَحَبَّ مِنْكُنَّ أَنْ أَفْسِمَ لَهَا نَخْلًا
بِخَرْصِهَا مِائَةَ وَسْقٍ، فَيَكُونُ لَهَا أَصْلُهَا
وَأَرْضُهَا وَمَاؤُهَا، وَمِنْ الزَّرْعِ مَرْزَعَةٌ خَرْصِ
عِشْرِينَ وَسَقًا فَعَلْنَا، وَمَنْ أَحَبَّ أَنْ نَعْزِلَ
الَّذِي لَهَا فِي الْخُمْسِ كَمَا هُوَ فَعَلْنَا.

تخريج: أخرجه مسلم، المساقاة، باب المساقاة والمعاملة بجزء من الثمر والزرع، ح: ١٥٥١ من حديث ابن وهب به.

3009. It was narrated from Anas bin Mālik that the Messenger of Allāh ﷺ attacked *Khaibar*, and conquered it by force, and gathered the captives. (*Ṣaḥīḥ*)

٣٠٠٩ - حَدَّثَنَا دَاوُدُ بْنُ مُعَاذٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ؛ ح: وَحَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ وَزِيَادُ بْنُ أَيُّوبَ أَنَّ إِسْمَاعِيلَ بْنَ إِبْرَاهِيمَ حَدَّثَهُمْ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ رَسُولَ اللَّهِ ﷺ غَزَا خَيْبَرَ فَأَصْبَحْنَا عَنْوَةً فَجَمَعَ السَّيِّئَ.

تخریج: أخرجه البخاري، الصلاة، باب ما يذكر في الفخذ، ح: ٣٧١، ومسلم، النكاح، باب فضيلة إعتاقه أمته ثم يتزوجها، ح: ١٣٦٥ بعد، ح: ١٤٢٧ من حديث إسماعيل بن إبراهيم به.

Comments:

Imām Abū Dāwud's purpose in recording this *Ḥadīth* here, is to indicate that some part of *Khaibar* was captured through fighting, while the other was gained through a treaty of peace.

3010. It was narrated that Sahl bin Abī Ḥathmah said: "The Messenger of Allāh ﷺ divided (the yeild of) *Khaibar* into two halves: One half for his emergencies and needs, and one half to be distributed among the Muslims, which he divided among them into eighteen portions." (*Ḥasan*)

٣٠١٠ - حَدَّثَنَا الرَّبِيعُ بْنُ سُلَيْمَانَ الْمُؤَدَّى: حَدَّثَنَا أَسَدُ بْنُ مُوسَى: حَدَّثَنَا يَحْيَى ابْنُ زَكَرِيَّا: حَدَّثَنِي سُفْيَانُ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ، عَنْ سَهْلِ بْنِ أَبِي حَظْمَةَ قَالَ: قَسَمَ رَسُولُ اللَّهِ ﷺ خَيْبَرَ نِصْفَيْنِ: نِصْفًا لِنَوَائِبِهِ وَحَاجَتِهِ، وَنِصْفًا بَيْنَ الْمُسْلِمِينَ، قَسَمَهَا بَيْنَهُمْ عَلَى ثَمَانِيَةِ عَشَرَ سَهْمًا.

تخریج: [حسن] أخرجه البيهقي: ٣١٧/٦ من حديث أبي داود به وللحديث شواهد، انظر الحديث الآتي.

Comments:

The Prophet ﷺ divided the lands of *Khaibar* into two parts, one for the emergency needs of Muslims, and the other for the Prophet and his family.

3013. It was narrated from Abū Khālid, meaning Sulaimān, from Yahya bin Sa'eed, from Bushair bin Yaṣār who said: "When Allāh granted *Khaibar* to His Prophet ﷺ as *Fai'*, he divided it into thirty-six portions, each of which included

٣٠١٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ الْكِنْدِيُّ: حَدَّثَنَا أَبُو خَالِدٍ يَعْنِي سُلَيْمَانَ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ قَالَ: لَمَّا أَفَاءَ اللَّهُ عَلَى نَبِيِّهِ ﷺ خَيْبَرَ قَسَمَهَا عَلَى سِتَّةِ

one hundred shares. He kept half for emergencies and Al-Waṭīḥah and Al-Kutaibah and their environs, and the other half he divided among the Muslims, which was Ash-Shaqqah and An-Naṭāh and their environs (these were fortresses in Khaibar), and the share of the Messenger of Allāh ﷺ was among the latter.” (Hasan)

تخريج: [حسن] أخرجه البيهقي: ٣١٧/٦ من حديث أبي داود به.

Comments:

The last of the fortresses that the Muslims conquered through fighting were in areas known as An-Naṭāh and Ash-Shaqqah. The Jews fled for life from there and took refuge in the section of the city known as Al-Kutaibah. When the Muslims laid siege around the fortresses and the siege prolonged, the Jews surrendered them to the Prophet ﷺ, on conditions of pardon from death for the fighters and freedom for their children.

3011. It was narrated from Abū Shihāb, from Yahya bin Sa'eed, from Bushair bin Yasār, that he heard a group of Companions of the Prophet ﷺ say... and he quoted this *Hadīth*. He said: “Half of it was shares for the Muslims and a share for the Messenger of Allāh ﷺ, and he kept half for the Muslims, for any calamity that might befall them and for emergencies.” (Hasan)

٣٠١١ - حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ بْنِ
الْأَسْوَدِ أَنَّ يَحْيَى بْنَ آدَمَ حَدَّثَهُمْ عَنْ أَبِي
شِهَابٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ
يَسَارٍ أَنَّهُ سَمِعَ نَفَرًا مِنْ أَصْحَابِ النَّبِيِّ ﷺ
قَالُوا، فَذَكَرَ هَذَا الْحَدِيثَ قَالَ: فَكَانَ
النِّصْفُ سِبْهَامَ الْمُسْلِمِينَ وَسَهْمُ رَسُولِ اللَّهِ
ﷺ وَعَزَلَ النِّصْفَ لِلْمُسْلِمِينَ لِمَا يُتَوَبُّ مِنْ
الْأُمُورِ وَالنَّوَائِبِ.

تخريج: [إسناده حسن] * أبو شهاب هو عبد ربه بن نافع.

3012. It was narrated from Muḥammad bin Fuḍail, from Yahyā bin Sa'eed, from Bushair bin Yasār, a freed slave of the Anṣār, from one of the Companions of the Prophet ﷺ, that when the Messenger of Allāh ﷺ was victorious at Khaibar, he divided it into thirty-six shares, each of which

٣٠١٢ - حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ: حَدَّثَنَا
مُحَمَّدُ بْنُ فَضِيلٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ
بُشَيْرِ بْنِ يَسَارٍ مَوْلَى الْأَنْصَارِ، عَنْ رَجُلٍ مِنْ
أَصْحَابِ النَّبِيِّ ﷺ: أَنَّ رَسُولَ اللَّهِ ﷺ لَمَّا
ظَهَرَ عَلَى خَيْبَرَ قَسَمَهَا عَلَى سِتَّةٍ وَثَلَاثِينَ
سَهْمًا جَمَعَ كُلُّ سَهْمٍ مِائَةَ سَهْمٍ، فَكَانَ

included one hundred portions. Half of that was for the Messenger of Allāh ﷺ and the Muslims, and the other half was for delegations who came and stayed there, and for other matters and emergencies. (*Hasan*)

تخريج: [إسناده حسن] أخرجه أحمد: ٣٦/٤ عن محمد بن فضيل بن غزوان به.

3014. It was narrated from Sulaimān, meaning Ibn Bilāl, from Yahyā bin Sa'eed, from Bushair bin Yasār, that when Allāh granted the *Fai'* at Khaibar, the Messenger of Allāh ﷺ divided it into thirty-six shares and kept half, eighteen shares, for the Muslims, and each share contained one hundred portions. The Prophet ﷺ had a share like one of theirs. And the Messenger of Allāh ﷺ kept eighteen shares — half of it — for his own emergencies and whatever befell the Muslims, and that was the shares of Al-Waṭīḥ and Al-Kutaibah and Al-Sulālim (names of fortresses) and their environs. When property fell into the hands of the Prophet ﷺ and the Muslims, they did not have sufficient labor to work it, so the Messenger of Allāh ﷺ called the Jews and made a deal with them. (*Hasan*)

تخريج: [حسن] انظر الحديث السابق، وأخرجه البيهقي في الدلائل: ٢٣٥/٤ من حديث أبي داود به.

3015. It was narrated that Muḥammī' bin Jāriyah Al-Anṣārī — who was one of the reciters of the Qur'ān — said: “Khaibar was divided among the people of Al-Hudaibiyyah. The Messenger of

لِرَسُولِ اللَّهِ ﷺ وَلِلْمُسْلِمِينَ النِّصْفُ مِنْ ذَلِكَ وَعَزَلَ النِّصْفَ الْبَاقِي لِمَنْ نَزَلَ بِهِ مِنَ الْوُفُودِ وَالْأُمُورِ وَتَوَائِبِ النَّاسِ.

٣٠١٤ - حَدَّثَنَا مُحَمَّدُ بْنُ مِسْكِينٍ الْيَمَامِيُّ: حَدَّثَنَا يَحْيَى بْنُ حَسَّانٍ: حَدَّثَنَا سُلَيْمَانُ يَعْنِي ابْنَ بِلَالٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ بُشَيْرِ بْنِ يَسَارٍ: أَنَّ رَسُولَ اللَّهِ ﷺ لَمَّا أَفَاءَ اللَّهُ عَلَيْهِ خَيْبَرَ قَسَمَهَا سِتَّةً وَثَلَاثِينَ سَهْمًا جَمْعًا فَعَزَلَ لِلْمُسْلِمِينَ الشُّطْرَ ثَمَانِيَةَ عَشَرَ سَهْمًا، يَجْمَعُ كُلُّ سَهْمٍ مِائَةَ النَّبِيِّ ﷺ مَعَهُمْ لَهُ سَهْمٌ كَسَهْمِ أَحَدِهِمْ وَعَزَلَ رَسُولُ اللَّهِ ﷺ ثَمَانِيَةَ عَشَرَ سَهْمًا - وَهُوَ الشُّطْرُ - لِتَوَائِبِهِ وَمَا يَنْزِلُ بِهِ مِنْ أَمْرِ الْمُسْلِمِينَ، وَكَانَ ذَلِكَ الْوُطَيْحَ وَالْكُتَيْبَةَ وَالسُّلَالِمَ وَتَوَائِبَهَا، فَلَمَّا صَارَتِ الْأَمْوَالُ بِيَدِ النَّبِيِّ ﷺ وَالْمُسْلِمِينَ لَمْ يَكُنْ لَهُمْ عَمَالٌ يَكْفُونَهُمْ عَمَلَهَا، فَدَعَا رَسُولُ اللَّهِ ﷺ الْيَهُودَ فَعَامَلَهُمْ.

٣٠١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيسَى: حَدَّثَنَا مُجَمِّعُ بْنُ يَعْقُوبَ بْنِ مُجَمِّعٍ عَنْ يَزِيدِ الْأَنْصَارِيِّ قَالَ: سَمِعْتُ أَبِي يَعْقُوبَ بْنَ مُجَمِّعٍ يَذْكُرُ لِي عَنْ عَمِّهِ عَبْدِ الرَّحْمَنِ بْنِ

Allāh ﷺ divided it into eighteen shares, and the army was one thousand and five hundred strong, including three hundred horsemen. He gave each horseman two shares, and each foot soldier one share.” (*Hasan*)

يَزِيدُ الْأَنْصَارِيُّ، عَنْ عَمِّهِ مُجَمِّعِ بْنِ جَارِيَةَ الْأَنْصَارِيِّ - وَكَانَ أَحَدَ الْفُرَّاءِ الَّذِينَ قَرَأُوا الْقُرْآنَ - قَالَ: قُسِمَتْ خَيْبَرُ عَلَى أَهْلِ الْحُدَيْيَةِ فَقَسَمَهَا رَسُولُ اللَّهِ ﷺ عَلَى ثَمَانِيَةِ عَشَرَ سَهْمًا وَكَانَ الْجَيْشُ أَلْفًا وَخَمْسِمِائَةً، فِيهِمْ ثَلَاثُمِائَةٍ فَارِسٍ، فَأَعْطَى الْفَارِسَ سَهْمَيْنِ، وَأَعْطَى الرَّاجِلَ سَهْمًا.

تخريج: [حسن] تقدم، ح: ٢٧٣٦ وأخرجه أحمد: ٤٢٠/٣ من حديث مجمع بن يعقوب به.

3016. It was narrated that Az-Zuhri, and ‘Abdullāh bin Abī Bakr, and one of the sons of Muḥammad bin Maslamah said: “There remained some of the people of *Khaibar* who holed up in their fortresses. They asked the Messenger of Allāh ﷺ to grant them protection, and let them move elsewhere, and he did that. The people of Fadak heard about that, and they accepted a similar deal, and it (Fadak) was reserved exclusively for the Messenger of Allāh ﷺ, because he had not captured it by means of cavalry and camelry.” (*Da‘if*)

٣٠١٦ - حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ الْعِجْلِيُّ: حَدَّثَنَا يَحْيَى بْنُ عَمْرِو بْنِ أَبِي زَائِدَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنِ الزُّهْرِيِّ وَعَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ وَبَعْضِ وَلَدِ مُحَمَّدِ بْنِ مَسْلَمَةَ قَالُوا: بَقِيَتْ بَقِيَّةٌ مِنْ أَهْلِ خَيْبَرٍ، فَتَحَصَّنُوا فَسَأَلُوا رَسُولَ اللَّهِ ﷺ أَنْ يَحْقِنَ دِمَاءَهُمْ وَيُسَيِّرَهُمْ فَفَعَلَ فَسَمِعَ بِذَلِكَ أَهْلُ فَدَكٍ فَتَزَلَّوْا عَلَى مِثْلِ ذَلِكَ، فَكَانَتْ لِرَسُولِ اللَّهِ ﷺ خَاصَّةً، لِأَنَّهُ لَمْ يُوجِفْ عَلَيْهَا بِخَيْلٍ وَلَا رِكَابٍ.

تخريج: [إسناده ضعيف] * محمد بن إسحاق عن عنن والخبر مرسل.

3017. It was narrated from Az-Zuhri that Sa‘eed bin Al-Musayyab told him, that the Messenger of Allāh ﷺ conquered part of *Khaibar* by force. (*Da‘if*)

Abū Dāwud said: This was read to Al-Ḥārith bin Miskīn when I was present: “Ibn Wahb informed you, he said: ‘Mālik narrated to me, from Ibn Shihāb, that *Khaibar* was

٣٠١٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ قَارِسٍ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ عَنْ جُوَيْرِيَةَ، عَنْ مَالِكٍ، عَنِ الزُّهْرِيِّ: أَنَّ سَعِيدَ ابْنَ الْمُسَيَّبِ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ ﷺ افْتَتَحَ بَعْضَ خَيْبَرَ عَنُوةً.

قَالَ أَبُو دَاوُدَ: وَفَرِيءٌ عَلَى الْحَارِثِ بْنِ

conquered partly by force and partly by means of a peace treaty, and most of Al-Kutaibah was conquered by force, but some of it was conquered by means of a peace treaty. I said to Mālik: "What is Al-Kutaibah?" He said: 'Land in Khaibar that had forty thousand palm trees.' (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٣٨/٩ من حديث أبي داود به * السند مرسل * وقول الزهري، سنده صحيح وأخرجه البيهقي: ٣١٧/٦ من حديث أبي داود به.

3018. It was narrated from Ibn Wahb who said: "Yūnus informed me, from Ibn Shihāb who said: 'It was conveyed to me that the Messenger of Allāh ﷺ conquered Khaibar by force after fighting, and those of its people who came down (from the fortresses) to be expelled, came down after the fighting ended.'" (*Da'if*)

٣٠١٨ - حَدَّثَنَا ابْنُ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ قَالَ: بَلَغَنِي أَنَّ رَسُولَ اللَّهِ ﷺ افْتَتَحَ خَيْبَرَ عَنْوَةً بَعْدَ الْقِتَالِ وَنَزَلَ مِنْ نَزَلٍ مِنْ أَهْلِهَا عَلَى الْجَلَاءِ بَعْدَ الْقِتَالِ.

تخريج: [إسناده ضعيف] * السند مرسل والحديث السابق: ٣٠٠٥ يغني عنه.

Comments:

See no. 3006. Later, these very people consented through a treaty that they would till the lands and give half the produce to the Muslims.

3019. (Another chain) from Ibn Shihāb who said: "The Messenger of Allāh ﷺ took the *Khumus* from Khaibar, then he divided the rest of it among the people of Al-Ḥudaibiyyah who had been present, and those who were absent." (*Da'if*)

٣٠١٩ - حَدَّثَنَا ابْنُ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ بْنُ يَزِيدَ عَنْ ابْنِ شِهَابٍ قَالَ: خَمَسَ رَسُولُ اللَّهِ ﷺ خَيْبَرَ، ثُمَّ قَسَمَ سَائِرَهَا عَلَى مَنْ شَهِدَهَا وَمَنْ غَابَ عَنْهَا مِنْ أَهْلِ الْحُدَيْبِيَّةِ.

تخريج: [إسناده ضعيف] انظر الحديث السابق.

3020. It was narrated that 'Umar said: "Were it not for the coming generations of the Muslims, I

٣٠٢٠ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ عَنْ مَالِكٍ، عَنْ زَيْدِ بْنِ أَسْلَمَ،

would not have conquered any town, but I would have divided it as the Messenger of Allāh ﷺ divided *Khaibar*.” (*Ṣaḥīḥ*)

عن أبيه، عن عُمَرَ قَالَ: لَوْلَا آخِرُ الْمُسْلِمِينَ مَا فَتَحْتُ قَرْيَةً إِلَّا قَسَمْتُهَا كَمَا قَسَمَ رَسُولُ اللَّهِ ﷺ خَيْبَرَ.

تخریج: أخرجه البخاري، الحرث والمزارعة، باب أوقاف أصحاب النبي ﷺ وأرض الخراج ومزارعتهم ومعاملتهم، ح: ٢٣٣٤ من حديث عبدالرحمن بن مهدي به.

Chapter 24,25. The Conquest Of Makkah

(المعجم ٢٤، ٢٥) - بَابُ مَا جَاءَ فِي خَبَرِ مَكَّةَ (التحفة ٢٥)

3021. It was narrated from ‘Ubaidullāh bin ‘Utbah, from Ibn ‘Abbās that during the Conquest of Makkah, Al-‘Abbās bin ‘Abdul-Muṭṭalib brought Abū Sufyān bin Ḥarb to the Messenger of Allāh ﷺ, and he accepted Islam in Marr Aẓ-Zahrān. Al-‘Abbās said to him: “O Messenger of Allāh, Abū Sufyān is a man who likes to be honored, so why not do something for him?” He said: “Yes. Whoever enters the house of Abū Sufyān will be safe, and whoever closes his door behind him will be safe.” (*Ṣaḥīḥ*)

٣٠٢١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنِ الزُّهْرِيِّ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، عَنِ ابْنِ عَبَّاسٍ: أَنَّ رَسُولَ اللَّهِ ﷺ عَامَ الْفَتْحِ جَاءَهُ الْعَبَّاسُ بْنُ عَبْدِ الْمُطَّلِبِ بِأَبِي سُفْيَانَ بْنِ حَرْبٍ فَأَسْلَمَ بِمَرِّ الظَّهْرَانِ، فَقَالَ لَهُ الْعَبَّاسُ: يَا رَسُولَ اللَّهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ يُحِبُّ هَذَا الْفَخْرَ، فَلَوْ جَعَلْتَ لَهُ شَيْئًا؟ قَالَ: «نَعَمْ، مَنْ دَخَلَ دَارَ أَبِي سُفْيَانَ فَهُوَ آمِنٌ، وَمَنْ أَغْلَقَ عَلَيْهِ بَابَهُ فَهُوَ آمِنٌ».

تخریج: [صحيح] أخرجه ابن أبي شيبة في المصنف: ٤٩٦/١٤ عن يحيى بن آدم به * ابن إسحاق صرح بالسماع عند الطبراني في الكبير: ١٠-١٥، ح: ٧٢٦٤ وللحديث شاهد عند مسلم في صحيحه، ح: ١٧٨٠.

3022. It was narrated from Al-‘Abbās bin ‘Abdullāh bin Ma‘bad, from some of his family, from Ibn ‘Abbās who said: “When the Messenger of Allāh ﷺ stopped in Marr Aẓ-Zahrān, Al-‘Abbās said: ‘I thought, by Allāh, if the Messenger of Allāh ﷺ enters Makkah by force before the Quraish come to him and

٣٠٢٢ - حَدَّثَنَا مُحَمَّدُ بْنُ عَمْرِو الرَّازِيِّ: حَدَّثَنَا سَلَمَةُ بْنُ يَحْيَى ابْنُ الْمُضَلِّ، عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنِ الْعَبَّاسِ بْنِ عَبْدِ اللَّهِ بْنِ مَعْبُدٍ، عَنْ بَعْضِ أَهْلِهِ، عَنِ ابْنِ عَبَّاسٍ قَالَ: لَمَّا نَزَلَ النَّبِيُّ ﷺ بِمَرِّ الظَّهْرَانِ قَالَ الْعَبَّاسُ: قُلْتُ: وَاللَّهِ! لَئِنْ دَخَلَ رَسُولُ اللَّهِ ﷺ مَكَّةَ

seek protection, the Quraish will be doomed. So I rode on the mule of the Messenger of Allāh ﷺ and said: "Perhaps I will find someone coming on an errand who can go to the people of Makkah and tell them where the Messenger of Allāh ﷺ is, so that they can come out and seek his protection." While I was going, I heard the voice of Abū Sufyān and Budail bin Warqā'. I said: "O Abū Hanzalah!" And he recognized my voice, and said: "Abul-Faḍl!" I said: "Yes." He said: "What is the matter with you, may my father and mother be ransomed for you?" I said: "The Messenger of Allāh ﷺ and the people (are coming)." He said: "What should we do?" So he rode behind me, and his companion went back. The following morning, I brought him to the Messenger of Allāh ﷺ, and he accepted Islam. I said: "O Messenger of Allāh, Abū Sufyān is a man who likes to be honored, so why not give him something?" He said: "Yes. Whoever enters the house of Abū Sufyān will be safe; whoever shuts his door behind him will be safe; whoever enters the *Masjid* will be safe." So the people scattered, heading for their houses or the *Masjid*." (*Hasan*)

تخريج: [حسن] أخرجه البيهقي ١١٨/٩، ١١٩ من حديث أبي داود به، وسنده ضعيف وللحديث شواهد، والحديث السابق ٣٠٢١ يغني عنه.

3023. It was narrated that Wahb bin Munabbih said: "I asked Jābir: 'Did they take any spoils of war on the day of the conquest (of Makkah)?' He said: 'No.'" (*Hasan*)

عَنُوَّةَ قَبْلَ أَنْ يَأْتُوهُ فَيَسْتَأْمِنُوهُ إِنَّهُ لَهْلَاكُ قُرَيْشٍ، فَجَلَسْتُ عَلَى بَغْلَةِ رَسُولِ اللَّهِ ﷺ فَقُلْتُ: لَعَلِّي أَجِدُ ذَا حَاجَةٍ يَأْتِي أَهْلَ مَكَّةَ فَيُخْبِرُهُمْ بِمَكَانِ رَسُولِ اللَّهِ ﷺ لِيُخْرِجُوا إِلَيْهِ فَيَسْتَأْمِنُوهُ فَإِنِّي لَأَسِيرُ إِذْ سَمِعْتُ كَلَامَ أَبِي سُفْيَانَ وَبُدَيْلِ بْنِ وَرْقَاءَ، فَقُلْتُ: يَا أَبَا حَنْظَلَةَ! فَعَرَفَ صَوْتِي، فَقَالَ: أَبُو الْفَضْلِ، قُلْتُ: نَعَمْ، قَالَ: مَا لَكَ فِذَاكَ أَبِي وَأُمِّي؟ قُلْتُ: هَذَا رَسُولُ اللَّهِ ﷺ وَالنَّاسُ، قَالَ: فَمَا الْحِيلَةُ؟ قَالَ: فَارْكَبْ خَلْفِي وَرَجِّعْ صَاحِبَهُ، فَلَمَّا أَصْبَحَ غَدَوْتُ بِهِ عَلَى رَسُولِ اللَّهِ ﷺ فَأَسْلَمَ. قُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّ أَبَا سُفْيَانَ رَجُلٌ يُحِبُّ هَذَا الْفَخْرَ فَاجْعَلْ لَهُ شَيْئًا، قَالَ: «نَعَمْ، مَنْ دَخَلَ دَارَ أَبِي سُفْيَانَ فَهُوَ آمِنٌ، وَمَنْ أَعْلَقَ عَلَيْهِ دَارَهُ فَهُوَ آمِنٌ، وَمَنْ دَخَلَ الْمَسْجِدَ فَهُوَ آمِنٌ». قَالَ: فَتَفَرَّقَ النَّاسُ إِلَى دُورِهِمْ وَإِلَى الْمَسْجِدِ.

٣٠٢٣ - حَدَّثَنَا الْحَسَنُ بْنُ الصَّبَّاحِ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عَبْدِ الْكَرِيمِ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ عَقِيلٍ بْنُ مَعْقِلٍ عَنْ أَبِيهِ، عَنْ

وَهَبِ بْنِ مُثَبِّهِ قَالَ: سَأَلْتُ جَابِرًا: هَلْ غَنِمُوا
يَوْمَ الْفَتْحِ شَيْئًا؟ قَالَ: لَا.

تخريج: [إسناده حسن] انفرد به أبو داود.

3024. It was narrated from Abū Hurairah that when the Prophet ﷺ entered Makkah he left Az-Zubair bin Al-‘Awwām, Abū ‘Ubadah bin Al-Jarrāh, and Khālīd bin Al-Walīd in charge of the cavalry, and said: “O Abū Hurairah, call the *Anṣār*.” He said: “Go this way, and whoever appears before you, kill him.” A caller cried out: “The Quraish will be no more after this day.” The Messenger of Allāh ﷺ said: “Whoever enters a house will be safe, and whoever throws down his weapon will be safe.” The chieftains of the Quraish went and entered the Ka‘bah, which was filled with them. The Prophet ﷺ performed *Tawāf* (around the Ka‘bah) and prayed behind the *Maqām*, then he took hold of the two sides of the door, and they came out pledging allegiance to the Prophet ﷺ upon Islam. (*Ṣaḥīh*)

Abū Dāwud said: “I heard a man asking Aḥmad bin Hanbal: ‘Was Makkah taken by force?’ He said: ‘What does it matter to you if it was?’ He said: ‘Then was it by a treaty?’ He said: ‘No.’” (*Ṣaḥīh*)

تخريج: [إسناده صحيح] تقدم، ح: ١٨٧٢ وأخرجه البيهقي: ١١٨/٩ من حديث أبي داود به.

Chapter 25,26. The Conquest Of At-Tā'if

3025. It was narrated that Wahb

٣٠٢٤ - حَدَّثَنَا مُسْلِمٌ بْنُ إِبرَاهِيمَ: حَدَّثَنَا سَلَامٌ بْنُ مُسْكِينٍ: حَدَّثَنَا ثَابِتُ الْبُنَانِيُّ عَنْ عَبْدِ اللَّهِ بْنِ رَبَاحٍ الْأَنْصَارِيِّ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ ﷺ لَمَّا دَخَلَ مَكَّةَ سَرَحَ الزُّبَيْرَ بْنَ الْعَوَّامِ وَأَبَا عُبَيْدَةَ بْنَ الْجَرَّاحِ وَخَالِدَ بْنَ الْوَلِيدِ عَلَى الْخَيْلِ، وَقَالَ: «يَا أَبَا هُرَيْرَةَ! اهْتَفِ بِالْأَنْصَارِ»، قَالَ: اسْلُكُوا هَذَا الطَّرِيقَ فَلَا يُشْرِفَنَّ لَكُمْ أَحَدٌ إِلَّا أَنْتُمُوهُ، فَتَادَى مُنَادِي: لَا قُرَيْشَ بَعْدَ الْيَوْمِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ دَخَلَ دَارًا فَهُوَ آمِنٌ، وَمَنْ أَلْقَى السَّلَاحَ فَهُوَ آمِنٌ»، وَعَمَدَ صَنَادِيدُ قُرَيْشٍ فَدَخَلُوا الْكَعْبَةَ فَغَصَّ بِهِمْ، وَطَافَ النَّبِيُّ ﷺ وَصَلَّى خَلْفَ الْمَقَامِ، ثُمَّ أَخَذَ بِحِجْبَتِي الْبَابِ، فَخَرَجُوا فَبَايَعُوا النَّبِيَّ ﷺ عَلَى الْإِسْلَامِ.

قَالَ أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ بْنَ حَنْبَلٍ سَأَلَهُ رَجُلٌ قَالَ: مَكَّةُ عَنُودٌ هِيَ؟ قَالَ: أَيشَ يَصُرُّكَ مَا كَانَتْ، قَالَ: فَصُلِّحْ، قَالَ: لَا.

(المعجم ٢٥، ٢٦) - بَابُ مَا جَاءَ فِي خَبَرِ
الطَّائِفِ (التحفة ٢٦)

٣٠٢٥ - حَدَّثَنَا الْحَسَنُ بْنُ الصَّبَّاحِ:

said: "I asked Jābir about the condition of *Thaqīf* when they gave their pledge?" He said: "They stipulated to the Prophet ﷺ that they should not have to pay *Ṣadaqah* (*Zakāt*) or engage in *Jihād*," and that he heard the Prophet ﷺ saying after that: "They will give the *Ṣadaqah* (*Zakāt*) and they will engage in *Jihād* if they accept Islam." (*Hasan*)

حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عَبْدِ الْكَرِيمِ: حَدَّثَنِي إِبْرَاهِيمُ يَعْنِي ابْنَ عَقِيلٍ بْنِ مُنْبِهِ عَنْ أَبِيهِ، عَنْ وَهْبٍ قَالَ: سَأَلْتُ جَابِرًا عَنْ شَأْنِ ثَقِيفٍ إِذْ بَايَعَتْ؟ قَالَ: اشْتَرَطَتْ عَلَى النَّبِيِّ ﷺ أَنْ لَا صَدَقَةَ عَلَيْهَا وَلَا جِهَادَ، وَأَنَّهُ سَمِعَ النَّبِيَّ ﷺ بَعْدَ ذَلِكَ يَقُولُ: «سَيَصَدَّقُونَ وَيُجَاهِدُونَ إِذَا أَسْلَمُوا».

تخريج: [إسناده حسن] أخرجه البيهقي: ١٢١/٩ من حديث أبي داود به وللحديث شاهد عند

أحمد: ٣٤١/٣.

Comments:

After the completion of the Battle of Hunain, the Messenger of Allāh ﷺ headed towards Aṭ-Ṭā'if in Shawwal of 8 AH. Those people closeted themselves inside the fort, which the Muslims besieged, and the siege continued for 18 or 20 days and, according to one version, for as long as forty days. However, before the Prophet's arrival at Al-Madīnah, their chief, 'Urwah bin Mas'ūd Ath-Thaqafī, came to the Prophet ﷺ and embraced Islam. His people, however, formally sent their delegation as late as Ramaḍān of the year 9 AH and accepted Islam.

3026. It was narrated from 'Uthmān bin Abī Al-'Ās: "When the delegation of *Thaqīf* came to the Messenger of Allāh ﷺ, he made them stay in the *Masjid* so that their hearts might be softened. They stipulated that they should not be mobilized to fight, or be made to pay the *Ushūr* or pray. The Messenger of Allāh ﷺ said: "I grant you that you should not be made to fight or pay the *Ushūr*, but there is no good in a religion in which there is no bowing (meaning, prayer)." (*Da'if*)

٣٠٢٦ - حَدَّثَنَا أَحْمَدُ بْنُ عَلِيٍّ بْنُ سُوَيْدٍ يَعْنِي ابْنَ مَجْجُوفٍ: حَدَّثَنَا أَبُو دَاوُدَ عَنْ حَمَادِ بْنِ سَلَمَةَ، عَنْ حُمَيْدٍ، عَنْ الْحَسَنِ، عَنْ عُثْمَانَ بْنِ أَبِي الْعَاصِ: أَنَّ وَقَدْ ثَقِيفٍ لَمَّا قَدِمُوا عَلَى رَسُولِ اللَّهِ ﷺ أَنْزَلَهُمُ الْمَسْجِدَ لِيَكُونَ أَرْقَ لِقُلُوبِهِمْ، فَاشْتَرَطُوا عَلَيْهِ أَنْ لَا يُحْشَرُوا وَلَا يُعْشَرُوا وَلَا يُجَبُّوا، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَكُمْ أَنْ لَا تُحْشَرُوا وَلَا تُعْشَرُوا، وَلَا خَيْرٌ فِي دِينٍ لَيْسَ فِيهِ رُكُوعٌ».

تخريج: [إسناده ضعيف] أخرجه ابن خزيمة، ح: ١٣٢٨ من حديث حماد بن سلمة به وهو

في مسند أبي داود الطيالسي، ح: ٩٣٩ باختلاف يسير وصححه ابن الجارود، ح: ٣٧٣ * حميد الطويل والحسن البصري: مدلسان وعنعنا.

Chapter 26,27 The Ruling on the Land of Yemen

3027. It was narrated that ‘Āmir bin Shahr said: “When the Messenger of Allāh ﷺ came (with Islam), Ḥamdān said to me: ‘Will you go to this man and negotiate for us? If you approve of anything for us, we will accept it, and if you dislike anything, we will reject it.’ I said: ‘Yes.’ So I went to the Messenger of Allāh ﷺ, and I was pleased with his message, and my people accepted Islam, and the Messenger of Allāh ﷺ wrote this letter to ‘Umair Dhu Murrān.” He said: “And he sent Mālik bin Murārah Ar-Rahāwī to all of Yemen, and ‘Akk Dhu Khaiwān accepted Islam.” He said: “It was said to ‘Akk: ‘Go to the Messenger of Allāh ﷺ, and take protection from him for your town and property.’ He came, and the Messenger of Allāh ﷺ wrote for him: ‘In the Name of Allāh, the Most Gracious, the Most Merciful. From Muḥammad, the Messenger of Allāh ﷺ, to ‘Akk Dhu Khaiwān. If he is sincere, then he and his land, wealth and slaves will be secure, and he will have the protection of Allāh and the protection of Muḥammad, the Messenger of Allāh.’ It was written down by Khālīd bin Sa‘eed bin Al-‘Āṣ.” (Ḍa‘īf)

(المعجم ٢٦، ٢٧) - بَابُ مَا جَاءَ فِي

حُكْمِ أَرْضِ الْيَمَنِ (التحفة ٢٧)

٣٠٢٧ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ عَنْ أَبِي أُسَامَةَ، عَنْ مُجَالِدٍ، عَنِ الشَّعْبِيِّ، عَنْ عَامِرِ بْنِ شَهْرٍ قَالَ: خَرَجَ رَسُولُ اللَّهِ ﷺ فَقَالَتُ لِي هَمْدَانُ: هَلْ أَنْتَ آتٍ هَذَا الرَّجُلَ وَمُرْتَادٍ لَنَا، فَإِنْ رَضِيتَ لَنَا شَيْئًا قَبْلُنَا، وَإِنْ كَرِهْتَ شَيْئًا كَرِهْنَاهُ. قُلْتُ: نَعَمْ، فَجِئْتُ حَتَّى قَدِمْتُ عَلَى رَسُولِ اللَّهِ ﷺ فَرَضِيتُ أَمْرَهُ وَأَسْلَمَ قَوْمِي وَكَتَبَ رَسُولُ اللَّهِ ﷺ هَذَا الْكِتَابَ إِلَى عُمَيْرِ بْنِ مُرَّانَ. قَالَ: وَبَعَثَ مَالِكُ بْنُ مُرَّارَةَ الرَّهَاطِيَّ إِلَى الْيَمَنِ جَمِيعًا فَأَسْلَمَ عَنْكَ ذُو حَيَوَانَ، قَالَ: فَقِيلَ لِعَاكَ: انْطَلِقْ إِلَى رَسُولِ اللَّهِ ﷺ فَخُذْ مِنْهُ الْأَمَانَ عَلَى قَرَّتِكَ وَمَالِكَ، فَقَدِمَ فَكَتَبَ لَهُ رَسُولُ اللَّهِ ﷺ: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، مِنْ مُحَمَّدٍ رَسُولِ اللَّهِ ﷺ لِعَاكَ ذِي حَيَوَانَ إِنْ كَانَ صَادِقًا فِي أَرْضِهِ وَمَالِهِ وَرَقِيقِهِ فَلَهُ الْأَمَانُ وَدِمَّةُ اللَّهِ وَدِمَّةُ مُحَمَّدٍ، رَسُولِ اللَّهِ»، وَكَتَبَ خَالِدُ بْنُ سَعِيدِ بْنِ الْعَاصِ.

تخريج: [إسناده ضعيف] أخرجه أبو يعلى الموصلي، ح: ٦٨٦٤ من حديث أبي أسامة به *
مجالد ضعيف كما تقدم: ٢٨٥١.

3028. It was narrated from Abyad bin Hammāl that he spoke to the Messenger of Allāh ﷺ about *Ṣadaqah (Zakāt)* when he came to him. He said: "O brother of Sabā', *Ṣadaqah (Zakāt)* is inevitable." He said: "We cultivated cotton, O Messenger of Allāh; the people of Sabā' have scattered, and only a few of them are left in Mā'rib." So the Prophet of Allāh ﷺ made a pact with them, on the basis that they would give seventy *Hullahs* equivalent in value to the *Hullah* known as *Bazz Al-Ma'āfir* every year, on behalf of those people of Sabā' who remained in Mā'rib. They continued to pay that until the Messenger of Allāh ﷺ passed away. After the Messenger of Allāh ﷺ died, the governors broke the deal that had been made by Abyad bin Hammāl with the Messenger of Allāh ﷺ concerning the seventy *Hullahs*. But Abū Bakr restored it according to the conditions made with the Messenger of Allāh ﷺ, until Abū Bakr died. When Abū Bakr died, it was discontinued, and they began to pay *Ṣadaqah (Zakāt)* (on the yield of their land). (*Da'if*)

٣٠٢٨ - حَدَّثَنَا مُحَمَّدُ بْنُ أَحْمَدَ الْفَرَسِيُّ وَهَارُونُ بْنُ عَبْدِ اللَّهِ أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ حَدَّثَهُمْ قَالَ: حَدَّثَنَا فَرْجُ بْنُ سَعِيدٍ: حَدَّثَنِي عَمِّي ثَابِتُ بْنُ سَعِيدٍ عَنْ أَبِيهِ سَعِيدٍ يَعْنِي ابْنَ أَبِيصَ، عَنْ جَدِّهِ أَبِيصَ بْنِ حَمَّالٍ: أَنَّهُ كَلَّمَ رَسُولَ اللَّهِ ﷺ فِي الصَّدَقَةِ حِينَ وَفَدَ عَلَيْهِ فَقَالَ: «يَا أَخَا سَبَاءٍ لَا بُدَّ مِنْ صَدَقَةٍ»، فَقَالَ: إِنَّمَا زَرَعْنَا الْقُطْنُ يَا رَسُولَ اللَّهِ! وَقَدْ تَبَدَّدَتْ سَبَاءٌ وَلَمْ يَبْقَ مِنْهُمْ إِلَّا قَلِيلٌ بِمَأْرِبَ، فَصَالَحَ نَبِيُّ اللَّهِ ﷺ عَلَى سَبْعِينَ حُلَّةً بَرٍّ مِنْ قِيَمَةِ وَفَاءِ بَرٍّ الْمَعَاوِرِ كُلِّ سَنَةٍ عَمَّنْ بَقِيَ مِنْ سَبَاءِ بِمَأْرِبَ، فَلَمْ يَزَالُوا يُؤَدُّونَهَا حَتَّى قُبِضَ رَسُولُ اللَّهِ ﷺ، وَإِنَّ الْعُمَالِ انْتَقَضُوا عَلَيْهِمْ بَعْدَ قُبْضِ رَسُولِ اللَّهِ ﷺ فِيمَا صَالَحَ أَبِيصُ ابْنُ حَمَّالٍ رَسُولَ اللَّهِ ﷺ فِي الْحَلْلِ السَّبْعِينَ، فَرَدَّ ذَلِكَ أَبُو بَكْرٍ عَلَى مَا وَضَعَهُ رَسُولُ اللَّهِ ﷺ حَتَّى مَاتَ أَبُو بَكْرٍ، فَلَمَّا مَاتَ أَبُو بَكْرٍ انْتَقَضَ ذَلِكَ وَصَارَتْ عَلَى الصَّدَقَةِ.

تخريج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ٢٧٧/١، ٢٧٨، ح: ٨٠٧ من حديث فرج بن سعيد به * ثابت بن سعيد وأبوه: مستوران لم يوثقهما غير ابن حبان ومع ذلك حسنه الهيثمي في مجمع الزوائد: ١٠٦/٤.

Chapter 27,28. The Expulsion Of The Jews From Arabia

3029. It was narrated from Sa'eed bin Jubair, from Ibn 'Abbās that the Prophet ﷺ left behind three

(المعجم ٢٧، ٢٨) بَابُ: فِي إِخْرَاجِ الْيَهُودِ مِنْ جَزِيرَةِ الْعَرَبِ (التحفة ٢٨)
٣٠٢٩ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ سُلَيْمَانَ الْأَحْوَلِ، عَنْ

instructions: "Expel the idolaters from the Arabian Peninsula, and reward the delegations as I used to do."

Ibn 'Abbās said: "He was silent about the third," or he said: "I have been caused to forget it."

Al-Humaidī narrated it from Sufyān, that Sulaimān said: "I do not know whether Sa'eed mentioned the third and I forgot it, or he did not mention it." (*Ṣaḥīḥ*)

سَعِيدُ بْنُ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ: أَنَّ النَّبِيَّ ﷺ أَوْصَى بِثَلَاثَةٍ فَقَالَ: «أَخْرِجُوا الْمُشْرِكِينَ مِنْ جَزِيرَةِ الْعَرَبِ، وَأَجِيزُوا الْوَفْدَ بِنَحْوِ مَا كُنْتُ أَجِيزُهُمْ».

قَالَ ابْنُ عَبَّاسٍ: وَسَكَتَ عَنِ الثَّلَاثَةِ أَوْ قَالَ: فَأَنْسِيَتْهَا. وَقَالَ الْحُمَيْدِيُّ عَنْ سُفْيَانَ قَالَ سُلَيْمَانُ: لَا أَذْرِي أَذَكَرَ سَعِيدُ الثَّلَاثَةَ فَانْسِيَتْهَا أَوْ سَكَتَ عَنْهَا.

تخريج: أخرجه مسلم، الوصية، باب ترك الوصية لمن ليس له شيء يوصي فيه، ح: ١٦٣٧/ ٢٠ عن سعيد بن منصور، والبخاري، الجهاد والسير، باب: هل يستشفع إلى أهل الدمة؟ ومعاملتهم، ح: ٣٠٥٣ من حديث سفيان بن عيينة به.

3030. It was reported from Ibn Juraij, that Abū Az-Zubair informed them, that he heard Jābir bin 'Abdullāh saying that 'Umar bin Al-Khattāb informed, that he heard the Messenger of Allāh ﷺ say: "I shall certainly expel the Jews and Christians from the Arabian Peninsula, and I shall not leave anyone there but Muslims." (*Ṣaḥīḥ*)

٣٠٣٠ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا أَبُو عَاصِمٍ وَعَبْدُ الرَّزَّاقِ قَالَا: أَخْبَرَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنَا أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: أَخْبَرَ عُمَرُ بْنُ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ أَنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَأُخْرِجَنَّ الْيَهُودَ وَالنَّصَارَى مِنْ جَزِيرَةِ الْعَرَبِ، فَلَا أَتْرُكُ فِيهَا إِلَّا مُسْلِمًا».

تخريج: أخرجه مسلم، الجهاد والسير، باب إخراج اليهود والنصارى من جزيرة العرب، ح: ١٧٦٧ من حديث عبد الرزاق به.

3031. It was reported from Sufyān, from Abū Az-Zubair, from Jābir, from 'Umar who said: "The Messenger of Allāh ﷺ said..." a similar *Ḥadīth* (as no. 3030), but the former is more complete. (*Ṣaḥīḥ*)

٣٠٣١ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا أَبُو أَحْمَدَ مُحَمَّدُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا سُفْيَانُ عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ، عَنْ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ بِمَعْنَاهُ، وَالْأَوَّلُ أَتَمُّ.

تخريج: [صحيح] انظر الحديث السابق * وهو في مسند أحمد: ١/ ٣٢ موقوف ونقله ابن كثير في جامع المسانيد والسنن، ح: ١٨، ح: ٦٤، ٦٥، ٦٦ موقوفًا.

3032. It was narrated from Qābūs bin Abī Zibyan, from Ibn ‘Abbās who said: “The Messenger of Allāh ﷺ said: ‘There cannot be two *Qiblah* in one land.’” (*Da‘if*)

٣٠٣٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْعَتَكِيُّ: حَدَّثَنَا جَرِيرٌ عَنْ قَابُوسَ بْنِ أَبِي ظِيَّانَ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَكُونُ قِبْلَتَانِ فِي بَلَدٍ وَاحِدٍ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، الزكاة، باب ما جاء ليس على المسلمين جزية، ح: ٦٣٣ من حديث جرير به وذكر كلاماً وصححه ابن الجارود، ح: ١١٠٧ * قابوس: فيه لين (تقريب) وضعفه الجمهور.

3033. It was reported from Sa‘eed, meaning Ibn ‘Abdul-‘Azīz, who said: “The Arabian Peninsula is that which is between Al-Wādī up to the farthest part of Yemen, to the border of Al-‘Irāq, to the sea.” (*Ṣaḥīḥ*)

٣٠٣٣ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا عُمَرُ يَعْنِي ابْنَ عَبْدِ الْوَاحِدِ قَالَ: قَالَ سَعِيدٌ يَعْنِي ابْنَ عَبْدِ الْعَزِيزِ: جَزِيرَةُ الْعَرَبِ مَا بَيْنَ الْوَادِي إِلَى أَقْصَى الْيَمَنِ، إِلَى تَحُومِ الْعِرَاقِ، إِلَى الْبَحْرِ.

تخريج: [إسناده صحيح] أخرجه البيهقي: ٢٠٨/٩ من حديث أبي داود به.

3034. Abū Dāwud said: This was read to Al-Hārith bin Miskīn while I was present; “Ashhab bin ‘Abdul-‘Azīz informed you, he said: ‘Mālik said: “Umar expelled the people of Najrān but he did not expel them to Taimā’ because it is not part of Arabia. As for Al-Wādī, I think that he did not expel the Jews who lived there because they did not think it was part of Arabia.”

٣٠٣٤ - قَالَ أَبُو دَاوُدَ: قُرِئَ عَلَيَّ الْحَارِثُ بْنُ مَسْكِينٍ وَأَنَا شَاهِدٌ أَخْبَرَكَ أَشْهَبُ بْنُ عَبْدِ الْعَزِيزِ قَالَ: قَالَ مَالِكٌ: عُمَرُ أَجْلَى أَهْلِ نَجْرَانَ وَلَمْ يُجْلَوْا مِنْ تَيْمَاءَ لِأَنَّهَا لَيْسَتْ مِنْ بِلَادِ الْعَرَبِ، فَأَمَّا الْوَادِي فَإِنِّي أَرَى أَنَّ مَا لَمْ يُجْلَ مِنْ فِيهَا مِنَ الْيَهُودِ أَنَّهُمْ لَمْ يَرَوْهَا مِنْ أَرْضِ الْعَرَبِ.

(Another chain) that Mālik said: “Umar expelled the Jews of Najrān and Fadak.” (*Ṣaḥīḥ*)

حَدَّثَنَا ابْنُ السَّرْحِ: حَدَّثَنَا ابْنُ وَهْبٍ قَالَ: قَالَ مَالِكٌ: وَقَدْ أَجْلَى عُمَرُ يَهُودَ نَجْرَانَ وَفَدَاكَ.

تخريج: [إسناده صحيح] أخرجه البيهقي: ٢٠٩/٩ من حديث أبي داود به.

Chapter 28,29. Making Endowments Of The Lands Of As-Sawād, And The Lands That Were Conquered By Force

3035. It was narrated that Abū Hurairah said: "The Messenger of Allāh ﷺ said: 'Al-'Irāq will withhold its *Qafiz* (its measure) and its Dirhams, and Ash-Shām will withhold its *Mudd* (its measure) and its Dinārs, and Egypt will withhold its *Irdabb* (its measure) and its Dinārs. Then you will return to where you started.'" Zuhair (one of the narrators) said it three times "and the flesh and blood of Abū Hurairah bear witness to that." (*Ṣaḥīḥ*)

تخریج: أخرجه مسلم، الفتن، باب: لا تقوم الساعة حتى يحسر الفرات عن جبل من ذهب، ح: ٢٨٩٦ من حديث زهير بن معاوية به.

Comments:

As-Sawād is a name which was used for a very large portion of Al-'Irāq which was frequented by date-palms and farms, the exact limits of the area that the name was applied to differed over time. This *Hadīth* is a Prophetic prophecy. The first part of it, contains the glad tiding that these areas shall be conquered, and spoils and tributes shall accrue from them. Thereafter there shall come a time when the inhabitants of the area shall withhold their payments, either through their blank refusal to pay, or because they will accept Islam, thus removing themselves from paying the *Jizyah*, 'Ushur or other than that, or because they will rebel after entering Islam. A number of the earlier commentaries, like that of Imām An-Nawawī, mention that these things had occurred by his time, with the people of those lands accepting Islam, which according to their view at that time, indicates that the truth of the *Hadīth* had already come to light by their time.

3036. It was narrated that Hammām bin Munabbih said: "This is what Abū Hurairah narrated to us from the Messenger of Allāh ﷺ." "And the Messenger of Allāh ﷺ said: 'If you come to a town (and take it peacefully) and

(المعجم ٢٨، ٢٩) بَابُ: فِي إِيقَافِ
أَرْضِ السَّوَادِ وَأَرْضِ الْعَنْوَةِ (التحفة ٢٩)

٣٠٣٥ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا شُهَيْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْعَتِ الْعِرَاقُ قَفِيزَهَا وَدِرْهَمَهَا، وَمَنْعَتِ الشَّامُ مُدَّيْهَا وَدِينَارَهَا، وَمَنْعَتِ مِصْرُ إِرْدَبَّهَا وَدِينَارَهَا، ثُمَّ عُدْتُمْ مِنْ حَيْثُ بَدَأْتُمْ» - قَالَهَا زُهَيْرٌ ثَلَاثَ مَرَّاتٍ - شَهِدَ عَلَى ذَلِكَ لَحْمُ أَبِي هُرَيْرَةَ وَدَمُهُ.

٣٠٣٦ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ قَالَ: هَذَا مَا حَدَّثَنَا بِهِ أَبُو هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ ﷺ، وَقَالَ رَسُولُ اللَّهِ ﷺ: «أَيُّمَا قَرْيَةٍ أَتَيْتُمُوهَا وَأَقَمْتُمْ فِيهَا فَسَهْمُكُمْ فِيهَا وَأَيُّمَا

stay there, then you have your share in it, but any town that disobeys Allāh and His Messenger (and is seized by force), its *Khumus* is for Allāh and His Messenger, then the rest is for you.” (*Ṣaḥīḥ*)

قَرِيبَةَ عَصَبِ اللَّهِ وَرَسُولِهِ فَإِنَّ خُمْسَهَا لِلَّهِ وَرَسُولِهِ ثُمَّ هِيَ لَكُمْ.

تخريج: أخرجه مسلم، الجهاد والسير، باب حكم الفيء، ح: ١٧٥٦ عن أحمد بن حنبل به، وهو في مسند أحمد: ٣١٧/٢ ومصنف عبدالرزاق، ح: ١٠١٣٧ وصحيفة همام بن منبه، ح: ١٣٩.

Chapter 29,30. Regarding Levyng The *Jizyah*

(المعجم ٢٩، ٣٠) بَابُ: فِي اخْتِذِ
الْحَزِيَّةِ (التحفة ٣٠)

3037. It was narrated from Anas bin Mālik and ‘Uthmān bin Abī Sulaimān that the Prophet ﷺ sent Khālīd bin Al-Walīd to Ukaidir (the ruler) of Dūmah. They seized him and brought him (to the Prophet), who granted him protection and concluded a treaty with him on the basis that he would pay the *Jizyah*. (*Da‘if*)

٣٠٣٧ - حَدَّثَنَا الْعَبَّاسُ بْنُ عَبْدِ الْعَظِيمِ: حَدَّثَنَا سَهْلُ بْنُ مُحَمَّدٍ: حَدَّثَنَا يَحْيَى بْنُ أَبِي زَائِدَةَ عَنْ مُحَمَّدٍ بْنِ إِسْحَاقَ، عَنْ عَاصِمِ بْنِ عُمَرَ، عَنْ أَنَسِ بْنِ مَالِكٍ وَعَنْ عُثْمَانَ بْنِ أَبِي سُلَيْمَانَ: أَنَّ النَّبِيَّ ﷺ بَعَثَ خَالِدَ بْنَ الْوَلِيدِ إِلَى أَكْدِيرَ دَوْمَةَ، فَأَخَذُوهُ فَأَتَوْهُ بِهِ، فَحَقَّنَ لَهُ دَمَهُ، وَصَالَحَهُ عَلَى الْحَزِيَّةِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٨٦/٩ من حديث يحيى بن أبي زائدة به وسنده ضعيف * ابن إسحاق عنن.

Comments:

Jizyah is a tax collected from people of the Book and Zoroastrians, when Muslims conquer their land by war or treaty.

3038. It was narrated from Mu‘ādh, that when the Prophet ﷺ sent him to Yemen, he ordered him to take, from everyone who had reached the age of puberty, a *Dīnār*, or its equivalent in the *Ma‘āfirī* garments that were to be found in Yemen. (*Da‘if*)

٣٠٣٨ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِي: حَدَّثَنَا أَبُو مُعَاوِيَةَ عَنِ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ مُعَاذٍ أَنَّ النَّبِيَّ ﷺ لَمَّا وَجَّهَهُ إِلَى الْيَمَنِ أَمَرَهُ أَنْ يَأْخُذَ مِنْ كُلِّ حَالِمٍ يَغْنَى مُحْتَلِمًا، دِينَارًا أَوْ عِدْلَهُ مِنَ الْمَعَاوِرِ يَتَابُ تَكُونُ بِالْيَمَنِ.

تخريج: [ضعيف] تقدم، ح: ١٥٧٦ وأخرجه البيهقي: ١٩٣/٩ من حديث أبي داود به ورواه ابن ماجه، ح: ١٨٠٣ والنسائي، ح: ٢٤٥٥ والترمذي، ح: ٦٢٣ وقال: "حسن".

3039. A similar report (as no. 3038) was narrated from Mu'adh from the Prophet ﷺ. (*Da'if*)

٣٠٣٩ - حَدَّثَنَا الثَّقَلِيُّ: حَدَّثَنَا أَبُو مُعَاوِيَةَ: حَدَّثَنَا الْأَعْمَشُ عَنْ إِبْرَاهِيمَ، عَنْ مَسْرُوقٍ، عَنْ مُعَاذٍ عَنِ النَّبِيِّ ﷺ مِثْلَهُ.

تخريج: [ضعيف] تقدم، ح: ١٥٧٦، انظر الحديث السابق.

3040. It was narrated that Ziyād bin Ḥudair said: “‘Alī said: ‘When I get the chance to deal with the Christians of Banū Taghlib, I shall kill the fighters and take their children captive, for I wrote down the covenant between them and the Prophet ﷺ to the effect that they would not make their children Christians.’” (*Da'if*)

Abū Dāwud said: This is a *Munkar Ḥadīth*. It was conveyed to me from Aḥmad that he regarded this *Ḥadīth* as severely *Munkar*.

Abū ‘Alī said: Abū Dāwud did not recite it in the second reading.

٣٠٤٠ - حَدَّثَنَا الْعَبَّاسُ بْنُ عَبْدِ الْعَظِيمِ: حَدَّثَنِي عَبْدُ الرَّحْمَنِ بْنُ هَانِيٍّ أَبُو نَعِيمٍ: حَدَّثَنَا شَرِيكٌ عَنْ إِبْرَاهِيمَ بْنِ مُهَاجِرٍ، عَنْ زِيَادِ بْنِ حُدَيْرٍ قَالَ: قَالَ عَلِيٌّ: لَئِنْ بَقِيتُ لِنَصَارَى بَنِي تَغْلِبَ لَا أَقْتُلَنَّ الْمُقَاتِلَةَ وَلَا سَبِيْنَ الذَّرِيَّةِ فَإِنِّي كَتَبْتُ الْكِتَابَ بَيْنَهُمْ وَبَيْنَ النَّبِيِّ ﷺ عَلَى أَنْ لَا يُنَصِّرُوا أَبْنَاءَهُمْ.

قَالَ أَبُو دَاوُدَ: هَذَا حَدِيثٌ مُنْكَرٌ، وَبَلَغَنِي عَنْ أَحْمَدَ أَنَّهُ كَانَ يُنْكِرُ هَذَا الْحَدِيثَ إِنْكَارًا شَدِيدًا.

قَالَ أَبُو عَلِيٍّ: وَلَمْ يَقْرَأْهُ أَبُو دَاوُدَ فِي الْعَرْضَةِ الثَّانِيَةِ.

تخريج: [إسناده ضعيف] * أبو نعيم النخعي: ضعيف، ضعفه الجمهور وشريك القاضي: مدلس وعنعن.

3041. It was narrated from Ismā'il bin 'Abdur-Raḥmān Al-Qurashī, from Ibn 'Abbās that he said: “The Messenger of Allāh ﷺ made a treaty with the people of Najrān on the basis that they would give to the Muslims two thousand *Hullahs*, half in Ṣafar, and half in Rajab. And that they would lend the Muslims thirty coats of mail, thirty horses, thirty camels, and thirty of every type of weapon, for use in their campaigns, for which, the

٣٠٤١ - حَدَّثَنَا مُصَرِّفُ بْنُ عَمْرِو الْيَامِي: حَدَّثَنَا يُونُسُ بْنُ يَعْنِي ابْنُ بُكَيْرٍ: حَدَّثَنَا أَسْبَاطُ بْنُ نَصْرِ الِهُمْدَانِيُّ عَنْ إِسْمَاعِيلَ بْنِ عَبْدِ الرَّحْمَنِ الْقُرَشِيِّ، عَنْ ابْنِ عَبَّاسٍ قَالَ: صَالَحَ رَسُولُ اللَّهِ ﷺ أَهْلَ نَجْرَانَ عَلَى أَلْفِي حُلَّةٍ. النِّصْفُ فِي صَفَرٍ وَالنِّصْفُ فِي رَجَبٍ يُؤَدُّونَهَا إِلَى الْمُسْلِمِينَ وَعَارِيَةً ثَلَاثِينَ دِرْعًا وَثَلَاثِينَ فَرَسًا وَثَلَاثِينَ بَعِيرًا وَثَلَاثِينَ مِنْ كُلِّ صِنْفٍ مِنْ أَصْنَافِ السِّلَاحِ يَغْرُونَ بِهَا

Muslims would stand surety until they returned it to them, lest there be any plot or treachery in Yemen. In return for that, no church of theirs would be destroyed, and no priest would be expelled, and they would be left to practise their religion, provided they did not do something wrong or consume *Ribā*.” Ismā’il said: “They consumed *Ribā*.” (*Ḍa’īf*)

Abū Dāwud said: If they broke some of the conditions that were stipulated upon them, then they would have initiated (a violation).

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٨٧/٩، ١٩٥، ٢٠٢ من حديث أبي داود به * إسماعيل بن عبد الرحمن القرشي هو السدي وفي سماعه من ابن عباس نظر.

Chapter 31. Levying Jizyah On The Zoroastrians

3042. It was reported from Abū Jamrah, from Ibn ‘Abbās that he said: “When the Prophet of the people of Persia died, *Iblīs* misled them to Zoroastrianism.” (*Hasan*)

تخريج: [إسناده حسن] أخرجه البيهقي: ١٩٢/٩ من حديث أبي داود به.

Comments:

This statement of Ibn ‘Abbās, may Allāh be pleased with him, is an indication of why it was allowed to treat them as people of the Book when it comes to *Jizyah*, while not in the case of marriage and food.

3043. It was narrated that ‘Amr bin Dīnār heard Bajālah telling ‘Amr bin Aws and Abū Ash-Sha’tā: “I was the scribe of Jaz’ bin Mu’āwiyah, the paternal uncle of Al-Aḥnaf bin Qais, when the letter of ‘Umar came to us one

وَالْمُسْلِمُونَ ضَامِنُونَ لَهَا حَتَّى يَرُدُّوَهَا عَلَيْهِمْ
إِنْ كَانَ بِالْيَمَنِ كَيْدٌ ذَاتُ غَدَرٍ عَلَى أَنْ لَا
تُهْذَمَ لَهُمْ بَيْعَتُهُ، وَلَا يُخْرَجَ لَهُمْ قَسٌّ، وَلَا
يُفْتَنُوا عَنْ دِينِهِمْ، مَا لَمْ يُحْدِثُوا حَدَثًا، أَوْ
يَأْكُلُوا الرِّبَا.

قال إسماعيل: فَقَدْ أَكَلُوا الرِّبَا.

قَالَ أَبُو دَاوُدَ: إِذَا أَنْقَضُوا بَعْضَ مَا
اشْتَرَطَ عَلَيْهِمْ فَقَدْ أَحْدَثُوا.

(المعجم ٣١) بَابُ: فِي اخْتِذِ الْحِزْيَةِ مِنَ
الْمَجُوسِ (التحفة ٣١)

٣٠٤٢ - حَدَّثَنَا أَحْمَدُ بْنُ سِنَانٍ
الْوَاسِطِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ بِلَالٍ عَنْ عِمْرَانَ
الْقَطَّانِ، عَنْ أَبِي جَمْرَةَ، عَنْ ابْنِ عَبَّاسٍ
قَالَ: إِنَّ أَهْلَ فَارَسَ لَمَّا مَاتَ نَبِيُّهُمْ كَتَبَ
لَهُمْ إِبْلِيسُ الْمَجُوسِيَّةَ.

٣٠٤٣ - حَدَّثَنَا مُسَدَّدُ بْنُ مُسْرَمِدٍ: حَدَّثَنَا
سُفْيَانُ عَنْ عَمْرِو بْنِ دِينَارٍ سَمِعَ بَجَالَه يُحَدِّثُ
عَمْرُو بْنُ أَوْسٍ وَأَبَا الشَّعْنَاءِ قَالَ: كُنْتُ كَاتِبًا
لِحِزْرِ بْنِ مُعَاوِيَةَ عَمِّ الْأَخْتَفِ بْنِ قَيْسٍ إِذْ
جَاءَنَا كِتَابُ عُمَرَ قَبْلَ مَوْتِهِ بِسَنَةٍ: اقْتُلُوا كُلَّ

year before his death (saying): 'Kill every practitioner of witchcraft, and separate all *Mahram* couples among the Zoroastrians, and forbid them to murmur.' In one day we killed three practitioners of witchcraft, and we separated every Zoroastrian man from his wife who was forbidden to him in marriage according to the Book of Allāh. He made a great deal of food and invited them, then he placed his sword on his thigh, and they ate but they did not murmur, and they threw on the ground one or two mule-loads of silver. 'Umar did not take the *Jizyah* from the Zoroastrians until 'Abdur-Raḥmān bin 'Awf bore witness that the Messenger of Allāh ﷺ had taken it from the Zoroastrians of Hajar. (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الجزية والموادعة، باب الجزية والموادعة مع أهل الذمة والحرب، ح: ٣١٥٦ و ٣١٥٧ من حديث سفيان بن عيينة به .

3044. It was reported from Bajālah bin 'Abdah, from Ibn 'Abbās who said: "A man from among the Asbadhīs of Baḥrain, who were Zoroastrians of Hajar, came to the Messenger of Allāh ﷺ and stayed with him for a while, then he came out. I asked him: 'What was the decree of Allāh and His Messenger concerning you (meaning, Zoroastrians)?' He said: 'Bad.' I said: 'Be quiet.' He said: 'Islam or execution.'"

He said: "And 'Abdur-Raḥmān bin 'Awf said: 'He accepted the *Jizyah* from them.'"

سَاحِرٍ وَفَرَّقُوا بَيْنَ كُلِّ ذِي مَحْرَمٍ مِنَ الْمَجُوسِ، وَأَنْهَوْهُمْ عَنِ الزَّمْزَمَةِ، فَقَتَلْنَا فِي يَوْمٍ ثَلَاثَةَ سَوَاحِرَ وَفَرَّقْنَا بَيْنَ كُلِّ رَجُلٍ مِنَ الْمَجُوسِ وَحَرِيمِهِ فِي كِتَابِ اللَّهِ تَعَالَى، وَصَنَعَ طَعَامًا كَثِيرًا فَذَعَاهُمْ فَعَرَضَ السَّيْفَ عَلَى فَخِذِهِ، فَأَكَلُوا وَلَمْ يُزْمِزُوا وَأَلْفُوا وَفَرَّ بَعْلٍ أَوْ بَعْلَتَيْنِ مِنَ الْوَرِقِ، وَلَمْ يَكُنْ عَمْرُ أَحَدٍ الْجَزِيَّةَ مِنَ الْمَجُوسِ حَتَّى شَهِدَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ أَنَّ رَسُولَ اللَّهِ ﷺ أَخَذَهَا مِنْ مَجُوسٍ هَجَرَ.

٣٠٤٤ - حَدَّثَنَا مُحَمَّدُ بْنُ مِسْكِينٍ الْيَمَامِيُّ: حَدَّثَنَا يَحْيَى بْنُ حَسَّانَ: حَدَّثَنَا هُثَيْمٌ: أَخْبَرَنَا دَاوُدُ بْنُ أَبِي هِنْدٍ عَنْ قُسَيْرِ بْنِ عَمْرٍو، عَنْ بَجَالَةَ بْنِ عَبْدِةَ، عَنِ ابْنِ عَبَّاسٍ قَالَ: جَاءَ رَجُلٌ مِنَ الْأَسْبَذِيِّينَ مِنْ أَهْلِ الْبَحْرَيْنِ وَهُمْ مَجُوسُ أَهْلِ هَجَرَ إِلَى رَسُولِ اللَّهِ ﷺ فَمَكَثَ عِنْدَهُ ثُمَّ خَرَجَ فَسَأَلْتُهُ: مَا قَضَى اللَّهُ وَرَسُولُهُ فِيكُمْ؟ قَالَ: شَرٌّ. قُلْتُ: مَهْ، قَالَ: الْإِسْلَامُ أَوْ الْقَتْلُ.

قَالَ: وَقَالَ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ: قَبِلَ مِنْهُمْ الْجَزِيَّةَ.

Ibn ‘Abbās said: “The people followed the statement of ‘Abdur-Rahmān and ignored what I had heard from the Asbadhī man.” (*Ḍa‘īf*)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٩/ ١٩٠ من حديث أبي داود به * قشير بن عمرو مستور، وثقه ابن حبان وحده.

Chapter 30,32 Harshness In Taking *Jizyah*

(المعجم ٣٠، ٣٢) بَابُ: فِي التَّشْدِيدِ فِي جِبَايَةِ الْحَرْيَةِ (التحفة ٣٢)

3045. It was narrated from ‘Urwah bin Az-Zubair, that Hishām bin Ḥakīm bin Ḥizām found a man who was governor of Ḥimṣ making some Coptic people stand in the sun for not paying the *Jizyah*. He said: “What is this? I heard the Messenger of Allāh ﷺ say: ‘Allāh, the Mighty and Sublime, will punish those who punish the people in this world.’” (*Sahīh*)

٣٠٤٥ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُوسُفُ بْنُ يَزِيدَ عَنْ ابْنِ شِهَابٍ، عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ: أَنَّ هِشَامَ بْنَ حَكِيمِ بْنِ حِزَامٍ وَجَدَ رَجُلًا وَهُوَ عَلَى حِمَصٍ يُشَمْسُ نَاسًا مِنَ الْقِبْطِ فِي أَدَاءِ الْجَزْيَةِ، فَقَالَ: مَا هَذَا؟ سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ اللَّهَ عَزَّوَجَلَّ يُعَذِّبُ الَّذِينَ يُعَذِّبُونَ النَّاسَ فِي الدُّنْيَا».

تخريج: أخرجه مسلم، البر والصلة، باب الوعيد الشديد لمن عذب الناس بغير حق، ح: ١١٩/٢٦١٣ من حديث عبدالله بن وهب به.

Comments:

To punish any creature, without justification is an act of great injustice and sin. If the person concerned is unable to pay the tax, he must be given appropriate time for the purpose.

Chapter 31,33 Levying The ‘*Ushūr* On *Ahl Adh-Dhimmah* If They Deal In Trade

(المعجم ٣١، ٣٣) بَابُ: فِي تَعْشِيرِ أَهْلِ الذِّمَّةِ إِذَا اخْتَلَفُوا بِالتَّجَارَةِ (التحفة ٣٣)

3046. It was narrated from Ḥarb bin ‘Ubaidullāh, from his grandfather, the father of his mother, that his father said: “The Messenger of Allāh ﷺ said: ‘The

٣٠٤٦ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو الْأَحْوَصِ: حَدَّثَنَا عَطَاءُ بْنُ السَّائِبِ عَنْ حَرْبِ بْنِ عُبَيْدِ اللَّهِ، عَنْ جَدِّهِ أَبِي أُمٍّ، عَنْ

'*Ushūr* is only to be levied on the Jews and Christians; there is no '*Ushūr* for the Muslims.'" (*Ḍaʿīf*)

أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّمَا الْعُسُورُ عَلَى الْيَهُودِ وَالنَّصَارَى، وَلَيْسَ عَلَى الْمُسْلِمِينَ عُسُورٌ».

تخريج: [إسناده ضعيف] انظر، ح: ٣٠٤٩ * حرب بن عبيد الله: لين الحديث وثقه ابن حبان وحده، وفي السند علة أخرى.

3047. A similar report was narrated from 'Ubaidullāh from the Prophet ﷺ, but he said "*Kharāj*" instead of '*Ushūr*'. (*Ḍaʿīf*)

٣٠٤٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ الْمُحَارِبِيُّ: حَدَّثَنَا وَكَيْعٌ عَنْ سُفْيَانَ، عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ حَرْبِ بْنِ عُبَيْدِ اللَّهِ عَنِ النَّبِيِّ ﷺ بِمَعْنَاهُ قَالَ: «خَرَاجٌ» مَكَانَ الْعُسُورِ.

تخريج: [إسناده ضعيف] انظر الحديث السابق وأخرجه البيهقي: ١٩٩/٩ من حديث أبي داود به * السند مرسل.

3048. It was narrated from 'Aṭā', from a man of Bakr bin Wā'il, that his maternal uncle said: "I said: 'O Messenger of Allāh, shall I levy the '*Ushūr* on my people?' He said: 'The '*Ushūr* is only for the Jews and Christians.'" (*Ḍaʿīf*)

٣٠٤٨ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ: حَدَّثَنَا سُفْيَانُ عَنْ عَطَاءٍ، عَنْ رَجُلٍ مِنْ بَكْرِ بْنِ وَائِلٍ، عَنْ خَالِهِ قَالَ: قُلْتُ: يَا رَسُولَ اللَّهِ! أُعَسِّرُ قَوْمِي؟ قَالَ: «إِنَّمَا الْعُسُورُ عَلَى الْيَهُودِ وَالنَّصَارَى».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٤٧٤/٣ عن عبدالرحمن بن مهدي به ورواه البيهقي: ١٩٩/٩ * رجل من بكر بن وائل: مجهول، وفيه علة أخرى.

3049. It was narrated from Harb bin 'Ubaidullāh bin 'Umair Ath-Thaqafī, that his grandfather — a man of Banū Taghlib — said: "I came to the Prophet ﷺ and accepted Islam, and he taught me Islam, and taught me how to collect the *Ṣadaqah* (*Zakāt*) from my people who accept Islam. Then I came back to him, and said: 'O Messenger of Allāh, everything you taught me I have remembered

٣٠٤٩ - حَدَّثَنَا مُحَمَّدُ بْنُ إِبْرَاهِيمَ الْبَرَّازُ: حَدَّثَنَا أَبُو نُعَيْمٍ: حَدَّثَنَا عَبْدُ السَّلَامِ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ حَرْبِ بْنِ عُبَيْدِ اللَّهِ بْنِ عُمَيْرٍ الثَّقَفِيِّ، عَنْ جَدِّهِ - رَجُلٍ مِنْ بَنِي تَغْلِبَ - قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فَأَسْلَمْتُ وَعَلَّمَنِي الْإِسْلَامَ وَعَلَّمَنِي كَيْفَ آخُذُ الصَّدَقَةَ مِنْ قَوْمِي مِمَّنْ أَسْلَمَ، ثُمَّ رَجَعْتُ إِلَيْهِ،

except the *Ṣadaqah*. Should I levy the '*Ushūr* on them?' He said: 'No; the '*Ushūr* is only to be levied on the Jews and Christians.'" (*Da'if*)

فَقُلْتُ: يَا رَسُولَ اللَّهِ! كُلَّمَا عَلَّمْتَنِي قَدْ حَفِظْتُ إِلَّا الصَّدَقَةَ أَفَأَعَشِّرُهُمْ؟ قَالَ: «لَا إِنَّمَا [الْعُسُورُ] عَلَى النَّصَارَى وَالْيَهُودِ».

تخريج: [ضعيف] انظر الحديث: ٣٠٤٦ وأخرجه البيهقي: ١٩٩/٩ من حديث أبي داود به، وللحديث ألوان أخرى.

3050. It was narrated that Al-'Irbād bin Sāriyah As-Sulamī said: "We stayed with the Prophet ﷺ at *Khaibar*, and some of his Companions were with him. The chief of *Khaibar* was a stubborn and evil man. He came to the Prophet ﷺ and said: 'O Muḥammad, do you have the right to slaughter our donkeys, eat our fruits and beat our women?' The Prophet ﷺ got angry and said: 'O son of 'Awf, ride your horse, and call out that Paradise is permissible for no one but a believer, and that they (the people) should gather for prayer.' They gathered, and the Prophet ﷺ led them in prayer, then he stood up and said: 'Would any one of you imagine, while reclining on his couch, that Allāh has not prohibited anything but that which is in this Qur'ān? No, by Allāh, I have preached and commanded and forbidden things that are as numerous as what is in the Qur'ān or more. Allāh has not permitted you to enter the houses of the People of the Book except with their permission, or to beat their women or eat their fruits, if they give you what is due from them.'" (*Da'if*)

٣٠٥٠ - حَدَّثَنَا مُحَمَّدُ بْنُ عَيْسَى: حَدَّثَنَا أَشْعَثُ بْنُ شُعْبَةَ: حَدَّثَنَا أَرْطَاهُ بْنُ الْمُنْذِرِ قَالَ: سَمِعْتُ حَكِيمَ بْنَ عَمْرِو بْنِ أَبِي الْأَخْوَصِ يُحَدِّثُ عَنْ الْعُرْبَاضِ بْنِ سَارِيَةَ السُّلَمِيِّ قَالَ: نَزَلْنَا مَعَ النَّبِيِّ ﷺ خَيْبَرَ وَمَعَهُ مِنْ أَصْحَابِهِ وَكَانَ صَاحِبُ خَيْبَرَ رَجُلًا مَارِدًا مُنْكَرًا، فَأَقْبَلَ إِلَى النَّبِيِّ ﷺ فَقَالَ: يَا مُحَمَّدُ! أَلَكُمْ أَنْ تَذْبَحُوا حُمْرَنَا وَتَأْكُلُوا ثَمَرَنَا وَتَضْرِبُوا نِسَاءَنَا؟ فَغَضِبَ يَعْنِي النَّبِيُّ ﷺ وَقَالَ: «يَا ابْنَ عَوْفٍ! ارْكَبْ فَرَسَكَ ثُمَّ نَادِ أَلَا إِنَّ الْجَنَّةَ لَا تَحِلُّ إِلَّا لِمُؤْمِنٍ وَأَنْ اجْتَمِعُوا لِلصَّلَاةِ». قَالَ: فَاجْتَمَعُوا ثُمَّ صَلَّى بِهِمُ النَّبِيُّ ﷺ ثُمَّ قَامَ فَقَالَ: «أَيَحْسَبُ أَحَدُكُمْ مُتَّكِئًا عَلَى أَرِيكَةٍ قَدْ يَظُنُّ أَنَّ اللَّهَ لَمْ يُحَرِّمْ شَيْئًا إِلَّا مَا فِي هَذَا الْقُرْآنِ إِلَّا وَإِنِّي وَاللَّهِ! قَدْ وَعَظْتُ وَأَمَرْتُ وَنَهَيْتُ عَنْ أَشْيَاءَ إِنَّهَا لِمِثْلُ الْقُرْآنِ أَوْ أَكْثَرُ، وَأَنَّ اللَّهَ تَعَالَى لَمْ يُحِلَّ لَكُمْ أَنْ تَدْخُلُوا بُيُوتَ أَهْلِ الْكِتَابِ إِلَّا بِإِذْنٍ وَلَا ضَرْبَ نِسَائِهِمْ وَلَا أَكْلَ ثِمَارِهِمْ إِذَا أَعْطَوْكُمُ اللَّذِي عَلَيْهِمْ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٠٤/٩ من حديث أبي داود به * أشعث بن شعبة وثقه ابن حبان وحده وضعفه أبو زرعة وغيره والراجح أنه ضعيف، ولم يثبت توثيقه عن أبي داود، لهجالة الناقل عنه، وقال الذهبي: "ليس بقوي" (ديوان الضعفاء: ٤٧٣).

3051. It was narrated from Hilāl, from a man of *Thaqif*, that a man of Juhainah said: "The Messenger of Allāh ﷺ said: 'You may fight some people, and defeat them, but they may save themselves and their children with their wealth.'" — Sa'eed (one of the narrators) said in his *Hadith*: "Then they will make a peace treaty with you." — Then they (the two narrators) were in accord: "So do not take anything more than that from them, for you have no right to do that." (*Da'if*)

٣٠٥١ - حَدَّثَنَا مُسَدَّدٌ وَسَعِيدُ بْنُ مَنْصُورٍ قَالَا: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ مَنْصُورٍ، عَنْ هِلَالٍ، عَنْ رَجُلٍ مِنْ ثَقِيفٍ، عَنْ رَجُلٍ مِنْ جُهَيْنَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَعَلَّكُمْ تُقَاتِلُونَ قَوْمًا فَظَهَرُوا عَنْكُمْ فَيَتَّقُونَكُمْ بِأَمْوَالِهِمْ دُونَ أَنْفُسِهِمْ وَأَبْنَائِهِمْ». قَالَ سَعِيدٌ فِي حَدِيثِهِ: «فِيَصَالِحُونَكُمْ عَلَى صَلَاحٍ»، ثُمَّ اتَّفَقَا، «فَلَا تُصِيبُوا مِنْهُمْ شَيْئًا فَوْقَ ذَلِكَ فَإِنَّهُ لَا يَصْلُحُ لَكُمْ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٠٤/٩، ٢٠٥ من حديث أبي داود به وهو في سنن سعيد بن منصور، ح: ٢٦٠٣ * رجل من ثقيف: مجهول.

3052. Ṣafwān bin Sulaim narrated from a number of the sons of the Companions of the Messenger of Allāh ﷺ, from their fathers, that the Messenger of Allāh ﷺ said: "If anyone wrongs a *Mu'āhid*, detracts from his rights, burdens him with more work than he is able to do, or takes something from him without his consent, I will plead for him (the *Mu'āhid*) on the Day of Resurrection." (*Da'if*)

٣٠٥٢ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: حَدَّثَنِي أَبُو صَخْرِ الْمَدِينِيُّ أَنَّ صَفْوَانَ بْنَ سُلَيْمٍ أَخْبَرَهُ عَنْ عِدَّةٍ مِنْ أَبْنَاءِ أَصْحَابِ رَسُولِ اللَّهِ ﷺ عَنْ آبَائِهِمْ دَنْيَةً عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «أَلَا مَنْ ظَلَمَ مُعَاهِدًا أَوْ انْتَقَصَهُ أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ أَوْ أَخَذَ مِنْهُ شَيْئًا بَغَيْرِ طِبِّ نَفْسٍ فَإِنَّا حَاجِبُهُ يَوْمَ الْقِيَامَةِ».

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٢٠٥/٩ من حديث ابن وهب به، وللحديث شواهد عدة من أبناء أصحاب رسول الله ﷺ كلهم مجهولون.

Comments:

The *Mu'āhid* is the non-Muslim who has a treaty or covenant of the Muslims.

Chapter 32/24. If A *Dhimmi* Becomes Muslim During Part Of The Year, Does He Have To Pay *Jizyah* ?

3053. It was narrated that Ibn ‘Abbās said: “The Messenger of Allāh ﷺ said: ‘There is no *Jizyah* due from a Muslim.’” (*Da‘īf*)

تخریج: [إسناده ضعيف] أخرجه الترمذي، الزكاة، باب ما جاء ليس على المسلمين جزية، ح: ٦٣٣ من حديث جرير به وانظر، ح: ٣٠٣٢.

3054. Muḥammad bin Kathīr said: “Sufyān was asked about the meaning of this (i.e., no. 3053), and he said: ‘If he becomes Muslim, there is no *Jizyah* due from him.’” (*Ṣaḥīḥ*)

(المعجم ٣٢، ٣٤) بَابُ: فِي الدِّمِيِّ
[الَّذِي] يُسْلِمُ فِي بَعْضِ السَّنَةِ هَلْ عَلَيْهِ
جَزْيَةٌ؟ (التحفة ٣٤)

٣٠٥٣ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْجَرَّاحِ عَنْ
جَرِيرٍ، عَنْ قَابُوسَ، عَنْ أَبِيهِ، عَنْ ابْنِ عَبَّاسٍ
قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَيْسَ عَلَى مُسْلِمٍ
جَزْيَةٌ».

٣٠٥٤ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ قَالَ:
سُئِلَ سُفْيَانٌ يَعْنِي عَنْ تَفْسِيرِ هَذَا فَقَالَ: إِذَا
أَسْلَمَ فَلَا جَزْيَةَ عَلَيْهِ.

تخریج: [إسناده صحيح] انفرد به أبو داود.

Chapter 33,35. Regarding The *Imām* Accepting Gifts From Idolaters

3055. ‘Abdullāh Al-Hawzanī said: “I met Bilāl, the *Mu‘adh-dhin* of the Messenger of Allāh ﷺ in *Ḥalab* (Aleppo), and said: ‘O Bilāl, tell me how the spending of the Messenger of Allāh ﷺ was.’ He said: ‘He did not have anything. I was the one who dealt with that on his behalf, from the time his Mission began, until the Messenger of Allāh ﷺ died. If a Muslim came to him, and he saw he was poorly clothed, he would order me to go and borrow money, and buy a *Burdah* for him, and I would clothe him and feed him. Then an idolater

(المعجم ٣٣، ٣٥) بَابُ: فِي الْإِمَامِ يَقْبَلُ
هَذَا يَا الْمُشْرِكِينَ (التحفة ٣٥)

٣٠٥٥ - حَدَّثَنَا أَبُو تَوْبَةَ الرَّبِيعُ بْنُ نَافِعٍ:
حَدَّثَنَا مُعَاوِيَةُ يَعْنِي ابْنَ سَلَامٍ، عَنْ زَيْدٍ أَنَّهُ
سَمِعَ أَبَا سَلَامٍ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ الْهُوزَيْنِيُّ
قَالَ: لَقِيتُ بِلَالَ مَوْلَى رَسُولِ اللَّهِ ﷺ
يَحَلِبُ، فَقُلْتُ: يَا بِلَالُ! حَدَّثَنِي كَيْفَ كَانَتْ
نَفَقَةُ رَسُولِ اللَّهِ ﷺ؟ قَالَ: مَا كَانَ لَهُ شَيْءٌ
كُنْتُ أَنَا الَّذِي أَلِي ذَلِكَ مِنْهُ مُنْذُ بَعَثَهُ اللَّهُ
تَعَالَى حَتَّى تُوَفِّي رَسُولُ اللَّهِ ﷺ، وَكَانَ إِذَا
أَتَاهُ الْإِنْسَانُ مُسْلِمًا فَرَأَاهُ عَارِيًا يَأْمُرُنِي فَأَنْطَلِقُ
فَأَسْتَقْرِضُ فَأَسْتَرِي لَهُ الْبُرْدَةَ فَأَكْسُوهُ وَأَطْعِمُهُ
حَتَّى اعْتَرَضَنِي رَجُلٌ مِنَ الْمُشْرِكِينَ فَقَالَ:

man met me, and said: "O Bilāl, I am well off, so do not borrow from anyone but me." So I did that. One day, I performed *Wuḍū'* and stood up to call the *Adhān* for the prayer, and I saw that the idolator had come with a group of merchants. When he saw me he said: "O Ethiopian!" I said: "Here I am." He frowned at me, and spoke harshly to me, and said to me: "Do you know how many days are left until the end of the month?" I said: "A few." He said: "There are only four, then I shall take you back (into slavery) in return for what you owe me, and you will go back to tending sheep as you did before." I got distressed, as anyone would in such a situation. I prayed *Al-'Atamah* (*'Īshā'*) and the Messenger of Allāh ﷺ went back to his family, then I asked for permission to enter upon him, and he gave me permission. I said: "O Messenger of Allāh, may my father and mother be sacrificed for you. The idolater from whom I used to borrow money said such and such to me, and neither you nor I have anything with which to pay him, and he will disgrace me. Give me permission to run away to one of these tribes who have accepted Islam, until Allāh provides His Messenger ﷺ with something with which he can pay it off on my behalf." I left for my house and I put my sword, water-skin, shoes and shield by my head, intending to leave as soon as dawn broke. But a man came running and said: "O

يَا بِلَالُ! إِنَّ عِنْدِي سَعَةً فَلَا تَسْتَفْرِضْ مِنْ أَحَدٍ إِلَّا مِنِّي، فَفَعَلْتُ، فَلَمَّا أَنْ كَانَ ذَاتَ يَوْمٍ تَوَضَّأْتُ ثُمَّ قُمْتُ لِأَوْدُنَ بِالصَّلَاةِ فَإِذَا الْمُشْرِكُ قَدْ أَقْبَلَ فِي عِصَايَةِ مِنَ التَّجَارِ، فَلَمَّا أَنْ رَأَيْتِي قَالَ: يَا حَبِشِي، قُلْتُ: يَا أَبَا، فَتَجَهَّمَنِي وَقَالَ لِي قَوْلًا غَلِيظًا وَقَالَ لِي: أَتَدْرِي كَمْ بَيْنَكَ وَبَيْنَ الشَّهْرِ؟ قَالَ: قُلْتُ: قَرِيبٌ، قَالَ: إِنَّمَا بَيْنَكَ وَبَيْنَهُ أَرْبَعٌ فَأَخَذَكَ بِاللِّدِّيِّ عَلَيْكَ فَأَرَدْتُكَ تَرْعَى الْغَنَمَ كَمَا كُنْتَ قَبْلَ ذَلِكَ، فَأَخَذَ فِي نَفْسِي مَا يَأْخُذُ فِي أَنْفُسِ النَّاسِ، حَتَّى إِذَا صَلَّيْتُ الْعَتَمَةَ رَجَعَ رَسُولُ اللَّهِ ﷺ إِلَى أَهْلِهِ، فَاسْتَأْذَنْتُ عَلَيْهِ، فَأَذِنَ لِي، قُلْتُ: يَا رَسُولَ اللَّهِ! بِأَيِّ أَنتَ وَأُمِّي! إِنَّ الْمُشْرِكَ الَّذِي كُنْتُ أَتَدِينُ مِنْهُ قَالَ لِي كَذَا وَكَذَا وَلَيْسَ عِنْدَكَ مَا تَقْضِي عَنِّي وَلَا عِنْدِي وَهُوَ فَاضِحِي فَأَذِنَ لِي أَنْ أَبْقَى إِلَى بَعْضِ هَؤُلَاءِ الْأَخْيَاءِ الَّذِينَ قَدْ أَسْلَمُوا حَتَّى يَرْزُقَ اللَّهُ تَعَالَى رَسُولَهُ ﷺ مَا يَقْضِي عَنِّي، فَخَرَجْتُ حَتَّى إِذَا أَتَيْتُ مَنْزِلِي فَجَعَلْتُ سِنْفِي وَجَرَابِي وَتَعْلِي وَمِجْنَتِي عِنْدَ رَأْسِي حَتَّى إِذَا انْشَقَّ عَمُودُ الصُّبْحِ الْأَوَّلِ أَرَدْتُ أَنْ أَنْطَلِقَ فَإِذَا إِنْسَانٌ يَسْعَى يَدْعُو: يَا بِلَالُ! أَجِبْ رَسُولَ اللَّهِ ﷺ، فَاَنْطَلَقْتُ حَتَّى أَتَيْتُهُ فَإِذَا أَرْبَعُ رَكَائِبَ مُنَاخَاتٍ عَلَيْهِنَّ أَحْمَالُهُنَّ، فَاسْتَأْذَنْتُ، فَقَالَ لِي رَسُولُ اللَّهِ ﷺ: «أَبْشِرْ! فَقَدْ جَاءَكَ اللَّهُ تَعَالَى بِقَضَائِكَ»، ثُمَّ قَالَ: «أَلَمْ تَرَ الرَّكَائِبَ الْمُنَاخَاتِ الْأَرْبَعَ؟» فَقُلْتُ:

Bilāl, go and see the Messenger of Allāh ﷺ.” So I went to him, and there were four camels kneeling with their loads on their backs. I asked permission to enter, and the Messenger of Allāh ﷺ said to me: “Be of good cheer, for Allāh has send something with which to pay off your debt.” Then he said: “Do you not see these four camels kneeling?” I said: “Yes.” He said: “They and their loads are for you; they are carrying clothing and food that was given to me by the ruler of Fadak; take them, and pay off your debt.” So I did that. Then I went to the *Masjid* and saw the Messenger of Allāh ﷺ sitting in the *Masjid*. I greeted him with *Salām* and he said: “How was the wealth you had (i.e., was it enough to pay off the debt)?” I said: “Allāh, Exacted is He, has paid off everything that was due from the Messenger of Allāh ﷺ, and there is nothing left to pay.” He said: “Is there anything left over?” I said: “Yes.” He said: “See if you can relieve me of it, for I will not enter upon any of my family until you relieve me of it.” When the Messenger of Allāh ﷺ had prayed *Al-‘Atamah* (*‘Īshā*), he called me and said: “What happened to the wealth you had with you?” I said: “It is (still) with me; no one has come to me.” The Messenger of Allāh ﷺ spent the night in the *Masjid*, then when he had prayed *Al-‘Atamah* (*‘Īshā*) the following night, he called me, and said: “What happened to the wealth you had with you?” I said:

بَلَى، فَقَالَ: «إِنَّ لَكَ رِقَابَهُنَّ وَمَا عَلَيْهِنَّ، فَإِنَّ عَلَيْهِنَّ كِسْوَةً وَطَعَامًا أَهْدَاهُنَّ إِلَيَّ عَظِيمٌ فَذَكَ، فَأَقْبِضُهُنَّ وَأَقْضِ دَيْنَكَ»، فَفَعَلْتُ. فَذَكَرَ الْحَدِيثَ. ثُمَّ انْطَلَقْتُ إِلَى الْمَسْجِدِ فَإِذَا رَسُولُ اللَّهِ ﷺ قَاعِدٌ فِي الْمَسْجِدِ، فَسَلَّمْتُ عَلَيْهِ فَقَالَ: «مَا فَعَلَ مَا قَبْلَكَ؟» قُلْتُ: قَدْ قَضَى اللَّهُ تَعَالَى كُلَّ شَيْءٍ كَانَ عَلَى رَسُولِ اللَّهِ ﷺ فَلَمْ يَبْقَ شَيْءٌ. قَالَ: «أَفْضَلَ شَيْءٍ؟» قُلْتُ: نَعَمْ. قَالَ: «انْظُرْ أَنْ تُرِيحَنِي مِنْهُ فَإِنِّي لَسْتُ بِدَاخِلٍ عَلَى أَحَدٍ مِنْ أَهْلِي حَتَّى تُرِيحَنِي مِنْهُ»، فَلَمَّا صَلَّى رَسُولُ اللَّهِ ﷺ الْعَتَمَةَ دَعَانِي فَقَالَ: «مَا فَعَلَ الَّذِي قَبْلَكَ؟» قَالَ: قُلْتُ: هُوَ مَعِيَ لَمْ يَأْتِنَا أَحَدٌ، فَبَاتَ رَسُولُ اللَّهِ ﷺ فِي الْمَسْجِدِ وَقَصَّ الْحَدِيثَ، حَتَّى إِذَا صَلَّى الْعَتَمَةَ يَعْنِي مِنَ الْعِدِّ دَعَانِي قَالَ: «مَا فَعَلَ الَّذِي قَبْلَكَ؟» قَالَ: قُلْتُ: قَدْ أَرَاكَ اللَّهُ مِنْهُ يَا رَسُولَ اللَّهِ! فَكَبَّرَ وَحَمِدَ اللَّهُ شَفَقًا مِنْ أَنْ يُدْرِكَهُ الْمَوْتُ وَعِنْدَهُ ذَلِكَ، ثُمَّ اتَّبَعْتُهُ حَتَّى إِذَا جَاءَ أَزْوَاجَهُ فَسَلَّمَ عَلَى امْرَأَةٍ امْرَأَةٍ حَتَّى أَتَى مَبِيتَهُ. فَهَذَا الَّذِي سَأَلْتَنِي عَنْهُ.

"Allāh has relieved you of it, O Messenger of Allāh." He exclaimed the greatness of Allāh, and praised Him, fearing that death would come upon him while he still had that wealth. Then I followed him, and he went to his wives and greeted each of them, one by one, until he came to the place where he was to spend the night. This is what you asked me about."

(*Hasan*)

تخريج: [إسناده حسن] أخرجه البيهقي: ٢١٥/٩ من حديث أبي داود به، وصححه ابن حبان، ح: ٢٥٣٧.

Comments:

Gifts are allowed to be accepted from idolaters and the People of the Book, provided there is no harm in accepting it from a religious point of view.

3056. Mu'āwiyah narrated a similar report with the (previous) chain of Abū Tawbah. After the phrase "and neither you nor I have anything with which to pay him" he said: "The Messenger of Allāh ﷺ kept quiet and I was somewhat concerned." (*Hasan*)

٣٠٥٦ - حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ: حَدَّثَنَا مَرْوَانُ بْنُ مُحَمَّدٍ: حَدَّثَنَا مُعَاوِيَةُ بِمَعْنَى إِسْنَادِ أَبِي تَوْبَةَ وَحَدِيثِهِ، قَالَ عِنْدَ قَوْلِهِ: «مَا يَقْضِي عَنِّي» فَسَكَتَ عَنِّي رَسُولُ اللَّهِ ﷺ، فَأَعْتَمَرْتُهَا.

تخريج: [حسن] انظر الحديث السابق.

3057. It was narrated that 'Iyād bin Himār said: "I gave the Prophet ﷺ a she-camel and he said: 'Have you accepted Islam?' I said: 'No.' He said: 'I have been forbidden (to accept) the *Zabd* (gifts) of the idolaters.'" (*Hasan*)

٣٠٥٧ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا أَبُو دَاوُدَ: حَدَّثَنَا عِمْرَانُ عَنْ قَتَادَةَ: عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ الشَّخِيرِ، عَنْ عِيَاضِ ابْنِ حِمَارٍ قَالَ: أَهْدَيْتُ إِلَى النَّبِيِّ ﷺ نَاقَةً فَقَالَ: «أَسْلَمْتُ؟» قُلْتُ: لَا فَقَالَ النَّبِيُّ ﷺ: «إِنِّي نَهَيْتُ عَنْ زَبَدِ الْمُشْرِكِينَ».

تخريج: [حسن] أخرجه الترمذي، السير، باب: في كراهية هدايا المشركين، ح: ١٥٧٧ من حديث أبي داود الطيالسي به وقال: "حسن صحيح" وهو في مسند الطيالسي، ح: ١٠٨٣ وصححه ابن الجارود، ح: ١١١٠ وللحديث شواهد عند أحمد: ٤٠٢/٣ والحاكم: ٤٨٤/٣، ٤٨٥ وغيرهما.

Comments:

Since exchanging gifts is a means of creating mutual proximity and love, one must be cautious in freely exchanging gifts with polytheists and disbelievers. However, there is no harm in accepting such gifts if it is considered religiously expedient.

Chapter 34,36. Allocation Of Land

(المعجم ٣٤، ٣٦) بَابُ: فِي إِقْطَاعِ
الْأَرْضِينَ (التحفة ٣٦)

3058. It was narrated from ‘Alqamah bin Wā’il, from his father that the Prophet ﷺ allocated him some land in Ḥaḍramawt. (*Ṣaḥīḥ*)

٣٠٥٨ - حَدَّثَنَا عَمْرُو بْنُ مَرْزُوقٍ: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ، عَنْ عَلْقَمَةَ بْنِ وَائِلٍ، عَنْ أَبِيهِ أَنَّ النَّبِيَّ ﷺ أَقْطَعَهُ أَرْضًا بِحَضْرَمَوْتٍ.

تخريج: [إسناده صحيح] أخرجه الترمذي، الأحكام، باب ما جاء في القطائع، ح: ١٣٨١ من حديث شعبة به وقال: "حسن صحيح".

Comments:

If a Muslim ruler donates free and uninhabited land to someone, then that person shall have more right to cultivate that land than others. The *Ḥadīth* has also been taken to mean that a plot of land may be allotted to a person for a limited period of time, in order that he may draw some income from it.

3059. A similar report (as no. 3058) was narrated from ‘Alqamah bin Wā’il with this chain. (*Ṣaḥīḥ*)

٣٠٥٩ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا جَامِعُ بْنُ مَطَرٍ عَنْ عَلْقَمَةَ بْنِ وَائِلٍ بِإِسْنَادِهِ مِثْلَهُ.

تخريج: [إسناده صحيح] انظر الحديث السابق.

3060. It was narrated that ‘Amr bin Huraith said: “The Messenger of Allāh ﷺ demarcated a house for me in Al-Madīnah, with a bow, and said: ‘I shall give you more, I shall give you more.’” (*Da‘if*)

٣٠٦٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ دَاوُدَ عَنْ فِطْرِ قَالَ: حَدَّثَنِي أَبِي عَنْ عَمْرِو بْنِ حُرَيْثٍ قَالَ: خَطَّ لِي رَسُولُ اللَّهِ ﷺ دَارًا بِالْمَدِينَةِ بِقَوْسٍ وَقَالَ: «أَزِيدُكَ أَزِيدُكَ».

تخريج: [إسناده ضعيف] أخرجه أبو يعلى: ٤٥/٣، ح: ١٤٦٤ من حديث عبدالله بن داود به * أبو فطر: خليفة المخزومي لم يوثقه غير ابن حبان فهو مجهول الحال.

3061. It was narrated from Rabī’ah bin Abī ‘Abdur-Raḥmān, from more than one person, that the Prophet ﷺ allocated the mines of Al-Qabaliyyah, which are in the

٣٠٦١ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ عَنْ مَالِكٍ، عَنْ رَبِيعَةَ بْنِ أَبِي عَبْدِ الرَّحْمَنِ، عَنْ غَيْرٍ وَاحِدٍ: أَنَّ النَّبِيَّ ﷺ أَقْطَعَ بِلَالَ بْنِ الْحَارِثِ الْمُزَنِيِّ مَعَادِنَ الْقُبَلِيَّةِ وَهِيَ مِنْ نَاحِيَةِ

region of Al-Fur', to Bilāl bin Al-Hārith Al-Muzanī, and only *Zakāt* is taken from these mines to this day. (*Hasan*)

الْفُرْعَ فَيَلْكَ الْمَعَادِنُ لَا يُؤْخَذُ مِنْهَا إِلَّا الزَّكَاةُ إِلَى الْيَوْمِ.

تخريج: [حسن] أخرجه البيهقي ١٥١/٦ من حديث أبي داود به، وهو في الموطأ: ٢٤٨/١، ٢٤٩ و"غير واحد" مجاهيل وللحديث شواهد عند ابن الجارود، ح: ٣٧١ والحاكم: ٤٠٤/١ وغيرهما.

3062. Kathīr bin ‘Abdullāh bin ‘Amr bin ‘Awf Al-Muzanī narrated from his father, from his grandfather, that the Prophet ﷺ allocated to Bilāl bin Al-Hārith Al-Muzanī the mines of Al-Qabaliyyah, both the upper and lower parts.

Someone other than (the narrators) Al-‘Abbās said: "Both its upper and lower parts, and where the land is suitable for cultivation, but he did not give him that which rightfully belonged to any Muslim. The Prophet ﷺ wrote for him: 'In the Name of Allāh, the Most Gracious the Most Merciful. This is what Muḥammad, the Messenger of Allāh ﷺ, has given to Bilāl bin Hārith Al-Muzanī; he has given him the mines of Al-Qabaliyyah, both the upper and lower parts.'"

Someone else said: "Both its upper and lower parts, and where the land is suitable for cultivation, but he did not give him that which rightfully belonged to any Muslim." Abū Owais (one of the narrators) said: "A similar report was narrated to me by Thawr bin Zaid the freed slave of Banū Ad-Dīl bin Bakr bin Kinānah, more than

٣٠٦٢ - حَدَّثَنَا الْعَبَّاسُ بْنُ مُحَمَّدٍ بْنِ حَاتِمٍ وَغَيْرُهُ، قَالَ الْعَبَّاسُ: حَدَّثَنَا حُسَيْنُ بْنُ مُحَمَّدٍ قَالَ: أَخْبَرَنَا أَبُو أُوَيْسٍ قَالَ: حَدَّثَنِي كَثِيرُ بْنُ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ عَوْفِ الْمُزَنِيِّ عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ النَّبِيَّ ﷺ أَفْطَعَ بِلَالَ بْنَ الْحَارِثِ الْمُزَنِيِّ مَعَادِنَ الْقَبْلِيَّةِ جُلْسِيَّهَا وَغَوْرِيَّهَا.

- وَقَالَ غَيْرُ الْعَبَّاسِ: جُلْسَهَا وَغَوْرَهَا - وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِهِ حَقٌّ مُسْلِمٍ وَكَتَبَ لَهُ النَّبِيُّ ﷺ: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، هَذَا مَا أُعْطِيَ مُحَمَّدٌ رَسُولُ اللَّهِ بِلَالَ بْنُ حَارِثِ الْمُزَنِيِّ أُعْطَاهُ مَعَادِنَ الْقَبْلِيَّةِ جُلْسِيَّهَا وَغَوْرِيَّهَا».

وَقَالَ غَيْرُهُ: «جُلْسَهَا وَغَوْرَهَا وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِهِ حَقٌّ مُسْلِمٍ».

قَالَ أَبُو أُوَيْسٍ: وَحَدَّثَنِي ثَوْرُ بْنُ زَيْدٍ مَوْلَى بَنِي الدَّيْلِ بْنِ بَكْرِ بْنِ كِنَانَةَ عَنْ عِكْرِمَةَ، عَنْ ابْنِ عَبَّاسٍ مِثْلَهُ.

once,” meaning, the letter about the allocation of the Prophet ﷺ. (*Hasan*)

تخريج: [حسن] أخرجه أحمد: ٣٠٦/١ عن حسين بن محمد به * كثير بن عبدالله: متروك ولكن طريق ثور بن زيد: حسن، والحمد لله.

3063. Muḥammad bin An-Naḍr narrated to us (he said): “I heard Al-Ḥunainī say: ‘I read it more than once,’” meaning, the letter of allocation from the Prophet ﷺ. (*Hasan*)

Abū Dāwud said: More than one person narrated to us that Ḥusain bin Muḥammad said: “Abū Owais informed me: ‘Kathīr bin ‘Abdullāh narrated to me, from his father, from his grandfather, that the Prophet ﷺ allocated to Bilāl bin Hārith Al-Muzanī the mines of Al-Qabaliyyah, both the upper part and lower part” — Ibn An-Naḍr said: “which included Jars and *Dhāt An-Nuṣub*” — then they (the two narrators) were in accord: “and where the land is suitable for cultivation, but he did not give Bilāl bin Al-Ḥārith that which rightfully belonged to any Muslim. The Messenger of Allāh ﷺ wrote for him: ‘This is what the Messenger of Allāh has given to Bilāl bin Al-Ḥārith Al-Muzanī. He has given him the mines of Al-Qabaliyyah, the upper part and lower part, and where the land is suitable for cultivation, but he did not give him that which rightfully belonged to any Muslim.’” (*Hasan*)

Abū Owais said: “Thawr bin Zaid narrated to me a similar report

٣٠٦٣ - حَدَّثَنَا مُحَمَّدُ بْنُ النَّضْرِ قَالَ: سَمِعْتُ الْحُنَيْنِيَّ قَالَ: قَرَأْتُهُ غَيْرَ مَرَّةٍ يَعْنِي كِتَابَ قَطِيعَةِ النَّبِيِّ ﷺ.

قَالَ أَبُو دَاوُدَ: وَحَدَّثَنَا غَيْرُ وَاحِدٍ عَنْ حُسَيْنِ بْنِ مُحَمَّدٍ قَالَ: أَخْبَرَنَا أَبُو أُوَيْسٍ قَالَ: حَدَّثَنِي كَثِيرُ بْنُ عَبْدِ اللَّهِ عَنْ أَبِيهِ، عَنْ جَدِّهِ أَنَّ النَّبِيَّ ﷺ أَقْطَعَ بِلَالَ بْنَ حَارِثِ الْمُزَنِيِّ مَعَادِنَ الْقَبْلِيَّةِ جَلْسِيَّهَا وَغَوْرِيَّهَا - قَالَ ابْنُ النَّضْرِ: وَجَرَسَهَا وَذَاتَ النُّصَبِ - ثُمَّ اتَّفَقَا، وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِ بِلَالَ بْنَ الْحَارِثِ حَقَّ مُسْلِمٍ، وَكَتَبَ لَهُ رَسُولُ اللَّهِ ﷺ: «هَذَا مَا أُعْطِيَ رَسُولُ اللَّهِ بِلَالَ بْنَ الْحَارِثِ الْمُزَنِيِّ أَعْطَاهُ مَعَادِنَ الْقَبْلِيَّةِ جَلْسَهَا وَغَوْرَهَا وَحَيْثُ يَصْلُحُ الزَّرْعُ مِنْ قُدْسٍ وَلَمْ يُعْطِهِ حَقَّ مُسْلِمٍ».

قَالَ أَبُو أُوَيْسٍ: وَحَدَّثَنِي ثَوْرُ بْنُ زَيْدٍ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ مِثْلَهُ. زَادَ ابْنُ النَّضْرِ: وَكَتَبَ أَبُو بَكْرٍ بْنُ كَعْبٍ.

from 'Ikrimah, from Ibn 'Abbās,
from the Prophet ﷺ.

تخريج: [حسن] أخرجه البيهقي ١٥١/٦ من حديث ثور بن زيد به.

3064. It was narrated from Abyad bin Ḥammāl that he came to the Messenger of Allāh ﷺ, and asked him to allocate the salt mines to him.

Ibn Al-Mutawakkil (one of the narrators) said: "Which were in Ma'rib, and he allocated them to him. When he left, a man who was in the gathering said: 'Do you know what you have allocated to him? You have only allocated to him a permanent spring.' So he took it back from him. And he asked him about land to be protected containing Arāk trees, and he said: 'So long as hooves do not tread upon it.'" Ibn Al-Mutawakkil said: "the hooves of camels." (*Hasan*)

٣٠٦٤ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ التَّقْفِيُّ وَمُحَمَّدُ بْنُ الْمُتَوَكِّلِ الْعَسْقَلَانِيُّ الْمَعْنَى وَاحِدٌ، أَنَّ مُحَمَّدَ بْنَ يَحْيَى بْنِ قَيْسٍ الْمَارِبِيَّ حَدَّثَهُمْ قَالَ: أَخْبَرَنِي أَبِي عَنْ ثُمَامَةَ بْنِ شَرَّاحِيلَ، عَنْ سُمَيِّ بْنِ قَيْسٍ، عَنْ سُمَيْرٍ - قَالَ ابْنُ الْمُتَوَكِّلِ بْنِ عَبْدِ الْمَدَانِ - عَنْ أَبِيصَ بْنِ حَمَّالٍ: أَنَّهُ وَقَدَّ إِلَى رَسُولِ اللَّهِ ﷺ فَاسْتَفْطَعَهُ الْمِلْحَ.

قَالَ ابْنُ الْمُتَوَكِّلِ: الَّذِي بِمَارِبَ فَقَطَعَهُ لَهُ، فَلَمَّا أَنْ وَلَّى قَالَ رَجُلٌ مِنَ الْمَجْلِسِ: أَتَذَرِي مَا قَطَعْتَ لَهُ إِنْمَا قَطَعْتَ لَهُ الْمَاءَ الْعِدَّ. قَالَ: فَانْتَرَعَ مِنْهُ. قَالَ: وَسَأَلَهُ عَمَّا يُحْمَى مِنَ الْأَرَاكِ؟ قَالَ: «مَا لَمْ تَنْلُهُ خِفَافٌ». وَقَالَ ابْنُ الْمُتَوَكِّلِ: «أَخْفَافُ الْإِلِيلِ».

تخريج: [إسناده حسن] أخرجه الترمذي، الأحكام، باب ما جاء في القطائع، ح: ١٣٨٠ عن قتيبة به وقال: "حسن غريب" وصححه ابن حبان، ح: ١١٤٠، ١١٤٢ ورجاله من رجال الحسن.

Comments:

It has been argued on the basis of this *Hadith* that, unlike mines whose yield can only be procured with great effort or difficulty, mines whose profitability is self-evident and are of value to the common people, should not be given to the exclusive possession of any particular individual.

3065. Hārūn bin 'Abdullāh said: "Muḥammad bin Al-Ḥasan Al-Makhzūmī said (regarding no. 3064): 'So long as the hooves of camels do not tread upon it'" meaning that camels eat whatever

٣٠٦٥ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ قَالَ: قَالَ مُحَمَّدُ بْنُ الْحَسَنِ الْمَخْزُومِي: «مَا لَمْ تَنْلُهُ أَخْفَافُ الْإِلِيلِ» يَعْنِي أَنَّ الْإِلِيلَ تَأْكُلُ مُتَتَهَى رُؤُوسَهَا، وَيُحْمَى مَا فَوْقَهُ.

is in reach of their heads, and whatever is beyond that is protected. (*Ṣaḥīh*)

تخريج: [إسناده صحيح] إلى محمد بن الحسن المخزومي وهو متهم بالكذب.

3066. It was narrated from Abyad bin Ḥammāl that he asked the Messenger of Allāh ﷺ about protected land containing Arāk trees, and the Messenger of Allāh ﷺ said: "There is no ownership of Arāk trees." He said: "There are Arāk trees within its boundaries." The Prophet ﷺ said: "There is no ownership of Arāk trees." (*Da'īf*)

٣٠٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ أَحْمَدَ الْقُرَيْشِيُّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ: حَدَّثَنَا قُرَجُ بْنُ سَعِيدٍ قَالَ: حَدَّثَنِي عَمِّي ثَابِتُ بْنُ سَعِيدٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ أَبِيصَ بْنِ حَمَالٍ: أَنَّهُ سَأَلَ رَسُولَ اللَّهِ ﷺ عَنْ جَمَى الْأَرَاكِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «لَا جِمَى فِي الْأَرَاكِ»، فَقَالَ: أَرَاكَةٌ فِي حِطَّارِي، فَقَالَ النَّبِيُّ ﷺ: «لَا جِمَى فِي الْأَرَاكِ»، قَالَ قُرَجٌ: يَعْني بِحِطَّارِي الْأَرْضَ الَّتِي فِيهَا الزَّرْعُ الْمُحَاطُ عَلَيْهَا.

تخريج: [إسناده ضعيف] انظر، ح: ٣٠٢٨ وأخرجه الدارمي، ح: ٢٦١٤ عن عبدالله بن الزبير الحميدي به وأصله عند ابن ماجه، ح: ٢٤٧٥ * ثابت وأبوه مستوران، لم يوثقهما غير ابن حبان.

Comments:

Even if a certain neglected piece of land has either been granted to a person by the Islamic government, or the said person has himself taken and cultivated it, the trees, if any, standing in the land from before, shall not be the exclusive property of the man in question, in the sense that he cannot deprive the common people of their right of access to those trees.

3067. ‘Uthmān bin Abī Ḥāzim narrated from his father, from his grandfather Ṣakhr that the Messenger of Allāh ﷺ raided *Thaqīf*, and when Ṣakhr heard of that, he set out with some cavalry to join the Prophet ﷺ, but he found that the Prophet of Allāh ﷺ had left, and had not conquered (*Aṭ-Ṭā’if*). At that time Ṣakhr made a promise to Allāh, and a covenant, that he would not leave

٣٠٦٧ - حَدَّثَنَا عُمرُ بْنُ الْخَطَّابِ أَبُو حَفْصٍ قَالَ: حَدَّثَنَا الْفُرْيَابِيُّ قَالَ: حَدَّثَنَا أَبَانٌ - قَالَ عُمرُ: وَهُوَ ابْنُ عَبْدِ اللَّهِ بْنِ أَبِي حَارِمٍ - قَالَ: حَدَّثَنِي عُثْمَانُ بْنُ أَبِي حَارِمٍ عَنْ أَبِيهِ، عَنْ جَدِّهِ صَخْرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ غَزَا ثَقِيفًا، فَلَمَّا أَنْ سَمِعَ ذَلِكَ صَخْرٌ رَكِبَ فِي خَيْلٍ يُمِدُّ النَّبِيَّ ﷺ، فَوَجَدَ نَبِيَّ اللَّهِ ﷺ قَدْ

this fortress until they surrendered to the rule of the Messenger of Allāh ﷺ. And he did not leave until they surrendered to the rule of the Messenger of Allāh ﷺ. After that, Ṣakhr wrote to him saying: "Thaqīf have surrendered to your rule, O Messenger of Allāh, and I am going to them, and they have horses with them." The Messenger of Allāh ﷺ ordered (the *Adhān* be called) for the prayer, then he supplicated for Aḥmas, ten times, saying, "O Allāh, bless the cavalry and infantry of Aḥmas." The people came to him, and Al-Mughīrah bin Shu'bah spoke, saying: "O Prophet of Allāh, Ṣakhr has captured my paternal aunt, but she has embraced Islam like other Muslims." He called him, and said: "O Ṣakhr, when the people accept Islam, their lives and property are protected. Hand over Al-Mughīrah's aunt to him." So he handed her over to him, and he asked the Prophet of Allāh ﷺ: "What about Banu Sulaim? They have fled from Islam, and left this oasis." And he said: "O Prophet of Allāh, allow me and my people to settle there." He said: "Yes." So he settled there. Then Banū Sulaim accepted Islam, and they came to Ṣakhr, and they asked him to give back the oasis, but he refused. They came to the Prophet of Allāh ﷺ and said: "O Prophet of Allāh, we have accepted Islam, and we came to Ṣakhr, so that he might give our oasis back to us, but he

انْصَرَفَ وَلَمْ يَفْتَحْ، فَجَعَلَ صَخْرٌ حِينَئِذٍ عَهْدَ اللَّهِ وَذِمَّتُهُ أَنْ لَا يُفَارِقَ هَذَا الْقَصْرَ حَتَّى يَنْزِلُوا عَلَى حُكْمِ رَسُولِ اللَّهِ ﷺ، فَلَمْ يُفَارِقْهُمْ حَتَّى نَزَلُوا عَلَى حُكْمِ رَسُولِ اللَّهِ ﷺ، فَكَتَبَ إِلَيْهِ صَخْرٌ: أَمَا بَعْدُ فَإِنَّ ثَقِيفًا قَدْ نَزَلَتْ عَلَى حُكْمِكَ يَا رَسُولَ اللَّهِ! وَأَنَا مُقْبِلٌ إِلَيْهِمْ وَهُمْ فِي خَيْلٍ، فَأَمَرَ رَسُولُ اللَّهِ ﷺ بِالصَّلَاةِ جَامِعَةً، فَدَعَا لِأَحْمَسَ عَشْرَ دَعَوَاتٍ: «اللَّهُمَّ! بَارِكْ لِأَحْمَسَ فِي خَيْلِهَا وَرِجَالِهَا»، وَأَتَاهُ الْقَوْمُ، فَتَكَلَّمَ الْمُغِيرَةُ بْنُ شُعْبَةَ فَقَالَ: يَا نَبِيَّ اللَّهِ! إِنَّ صَخْرًا أَخَذَ عَمَّتِي وَدَخَلَتْ فِيهَا دَخَلَ فِيهِ الْمُسْلِمُونَ، فَدَعَا فَقَالَ: «يَا صَخْرُ! إِنَّ الْقَوْمَ إِذَا أَسْلَمُوا أَحْرَزُوا دِمَاءَهُمْ وَأَمْوَالَهُمْ فَادْفَعْ إِلَى الْمُغِيرَةِ عَمَّتَهُ»، فَدَفَعَهَا إِلَيْهِ وَسَأَلَ نَبِيَّ اللَّهِ ﷺ [مَاءَ] لِبَنِي سُلَيْمٍ قَدْ هَرَبُوا عَنِ الْإِسْلَامِ وَتَرَكُوا ذَلِكَ الْمَاءَ، فَقَالَ: يَا نَبِيَّ اللَّهِ! أَنْزِلْنِي أَنَا وَقَوْمِي، قَالَ: «نَعَمْ»، فَأَنْزَلَهُ، وَأَسْلَمَ يَعْني السُّلَمِيِّينَ، فَأَتُوا صَخْرًا فَسَأَلُوهُ أَنْ يَدْفَعَ إِلَيْهِمُ الْمَاءَ، فَأَبَوْا فَأَتَوْا نَبِيَّ اللَّهِ ﷺ فَقَالُوا: يَا نَبِيَّ اللَّهِ! أَسْلَمْنَا وَأَتَيْنَا صَخْرًا لِيَدْفَعَ إِلَيْنَا مَاءَنَا فَأَبَى عَلَيْنَا، فَدَعَا فَقَالَ: «يَا صَخْرُ! إِنَّ الْقَوْمَ إِذَا أَسْلَمُوا أَحْرَزُوا أَمْوَالَهُمْ وَدِمَاءَهُمْ، فَادْفَعْ إِلَى الْقَوْمِ مَاءَهُمْ»، قَالَ: نَعَمْ يَا نَبِيَّ اللَّهِ فَرَأَيْتُ وَجْهَ رَسُولِ اللَّهِ ﷺ يَتَغَيَّرُ عِنْدَ ذَلِكَ حُمْرَةً حَيَاءً مِنْ أَخْذِهِ الْجَارِيَةِ وَأَخْذِهِ الْمَاءِ.

refused.” He called him, and said: “O *Ṣakhr*, when people accept Islam, their property and lives are protected; give the people back their oasis.” He said: “Yes, O Prophet of Allāh.” I saw the face of the Messenger of Allāh ﷺ turning red at that point, distressed about the taking of the slave woman and the oasis.” (*Daʿīf*)

تخريج: [إسناده ضعيف] أخرجه الدارمي، ح: ١٦٨١ عن الفريابي به مختصراً ورواه البيهقي: ١١٤/٩ والحديث ضعفه البيهقي * جده: أبو حازم بن صخر بن العيلة مستور، لم يوثقه غير ابن حبان.

3068. It was reported from Ibn Wahb, that Sabrah bin ‘Abdul-‘Azīz bin Ar-Rabī‘ Al-Juhānī narrated from his father, from his grandfather, that the Prophet ﷺ stopped in the place where the *Masjid* was built beneath a large tree, and he stayed there for three days. Then he set out for Tabūk. Juhainah caught up with him on a wide plain, and he said to them: “Who are the people of *Dhul-Marwah*?” They said: “Banū Rifā‘ah of Juhainah.” He said: “I have allocated it (*Dhul-Marwah*) to Banū Rifā‘ah.” So they distributed it. Some of them sold (their shares) and some kept them, and worked (the land). Then I asked his father, ‘Abdul-‘Azīz, about this *Ḥadīth*, and he narrated some of it to me, but he did not narrate all of it. (*Daʿīf*)

٣٠٦٨ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ: حَدَّثَنِي سِبْرَةُ بْنُ عَبْدِ الْعَزِيزِ بْنِ الرَّبِيعِ الْجُهَيْنِيُّ عَنْ أَبِيهِ، عَنْ جَدِّهِ: أَنَّ النَّبِيَّ ﷺ نَزَلَ فِي مَوْضِعِ الْمَسْجِدِ تَحْتَ دَوْمَةٍ فَأَقَامَ ثَلَاثًا ثُمَّ خَرَجَ إِلَى تَبُوكَ وَإِنَّ جُهَيْنَةَ لَحِقُوهُ بِالرَّحْبَةِ فَقَالَ لَهُمْ: «مَنْ أَهْلُ ذِي الْمَرْوَةِ؟» فَقَالُوا: بَنُو رِفَاعَةَ مِنْ جُهَيْنَةَ، فَقَالَ: «قَدْ أَقْطَعْتُهَا لِبَنِي رِفَاعَةَ»، فَاقْتَسَمُوهَا، فَمِنْهُمْ مَنْ بَاعَ، وَمِنْهُمْ مَنْ أَمْسَكَ فَعَمِلَ. ثُمَّ سَأَلْتُ أَبَاهُ عَبْدِ الْعَزِيزِ عَنْ هَذَا الْحَدِيثِ، فَحَدَّثَنِي بِبَعْضِهِ وَلَمْ يُحَدِّثْنِي بِهِ كُلَّهُ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٤٩/٦ من حديث أبي داود به * عبدالعزيز بن الربيع بن سبرة بن معبد، من السابعة، لم يدرك جده قطعاً.

3069. It was narrated from Asmā' bint Abī Bakr that the Messenger of Allāh ﷺ allocated some palm trees to Az-Zubair. (*Ṣaḥīḥ*)

٣٠٦٩ - حَدَّثَنَا حُسَيْنُ بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى بْنُ يَعْنِي ابْنِ آدَمَ: أَخْبَرَنَا أَبُو بَكْرِ بْنُ عَيَّاشٍ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ أَقْطَعَ الزُّبَيْرَ نَخْلًا.

تخريج: [صحيح] * أبو بكر بن عياش: ضعيف، وللحديث شواهد عند البخاري، ح: ٥٢٢٤ ومسلم، ح: ٢١٨٢.

3070. ‘Abdullāh bin Ḥassān Al-‘Anbarī said: “My two grandmothers, Ṣafīyyah and Duḥaibah the daughters of ‘Ulaibah — who were the stepdaughters of Qailah bint Makhramah, who was their father’s grandmother — narrated that she (Qailah) told them: ‘We came to the Messenger of Allāh ﷺ and my companion, meaning Ḥuraith bin Ḥassān, went forward as a delegate from Bakr bin Wā’il, and pledged allegiance upon Islam to him, on behalf of himself, and his people. Then he said: “O Messenger of Allāh, write a document giving us the land between us and Banū Tamīm in Ad-Dahnā’, and that none of them will pass it and come to us, except a traveler or passer-by.” He said: “Write for him, O young man, in Ad-Dahnā’.” When I saw that he had ordered him, I became very upset, as it was my native land and home. I said: “O Messenger of Allāh, he did not ask you for regular (barren) land, rather this Dahnā’ is the place where the camels and sheep graze; the women and children of Banū Tamīm are just

٣٠٧٠ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ وَمُوسَى ابْنُ إِسْمَاعِيلَ الْمَعْنَى وَاحِدٌ قَالَا: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ حَسَّانَ الْعُمَيْرِيُّ قَالَ: حَدَّثَتْنِي جَدَّتَايَ صَفِيَّةٌ وَدُحَيْبَةُ ابْنَتَا عُليَّةَ - وَكَانَتَا رَبِيبَتَي قَيْلَةَ بِنْتِ مَخْرَمَةَ، وَكَانَتْ جَدَّةَ أَبِيهِمَا - أَنَّهَا أَخْبَرْتُهُمَا قَالَتْ: قَدِمْنَا عَلَى رَسُولِ اللَّهِ ﷺ، قَالَتْ، تَقَدَّمَ صَاحِبِي، تَعْنِي حُرَيْثُ بْنُ حَسَّانَ، وَافِدَ بَكْرِ بْنِ وَائِلٍ فَبَايَعَهُ عَلَى الْإِسْلَامِ عَلَيْهِ وَعَلَى قَوْمِهِ، ثُمَّ قَالَ: يَا رَسُولَ اللَّهِ! اكْتُبْ بَيْنَنَا وَبَيْنَ بَنِي تَمِيمٍ بِالْأَهْنَاءِ أَنْ لَا يُجَاوِزَهَا إِلَيْنَا مِنْهُمْ أَحَدٌ إِلَّا مُسَافِرٌ أَوْ مُجَاوِزٌ فَقَالَ: «اَكْتُبْ لَهُ يَا عَلَامُ! بِالْأَهْنَاءِ»، فَلَمَّا رَأَيْتُهُ قَدْ أَمَرَ لَهُ بِهَا شَخْصَ بِي وَهِيَ وَطَنِي وَدَارِي، فَقُلْتُ: يَا رَسُولَ اللَّهِ! إِنَّهُ لَمْ يَسْأَلْكَ السَّوِيَّةَ مِنَ الْأَرْضِ إِذْ سَأَلَكَ إِنَّمَا هَذِهِ الْأَهْنَاءُ عِنْدَكَ مُقْبِدُ الْجَمَلِ وَمَرْعَى الْغَنَمِ وَنِسَاءُ بَنِي تَمِيمٍ وَأَبْنَاؤُهَا وَرَاءَ ذَلِكَ، فَقَالَ: «أَمْسِكْ يَا عَلَامُ! صَدَقْتَ الْمُسْكِينَةَ، الْمُسْلِمُ، أَخُو الْمُسْلِمِ يَسْعُهُمُ الْمَاءُ وَالشَّجَرُ، وَيَتَعَاوُونَ عَلَى الْفُتَانِ».

beyond that.” He said: “Stop, O young man. The poor woman is speaking the truth. A Muslim is the brother of his fellow Muslim; they should share the water and trees, and they should cooperate with one another against *Al-Fattān*.” (*Daʿīf*)

تخريج: [إسناده ضعيف] أخرجه الترمذي، الأدب، باب ما جاء في الثوب الأصفر، ح: ٢٨١٤ من حديث عبدالله بن حسان به وذكر كلاماً * عبدالله بن حسان: لم أجده من وثقه وهو غير القردوسي الذي وثقه ابن حبان * صفية ودحية لم يوثقهما غير ابن حبان.

3071. It was narrated that Asmar bin Muḍarris said: “I came to the Prophet ﷺ and pledged allegiance to him. He said: ‘Whoever reaches that which no other Muslim has reached before him, it is his.’” He said: “The people went out rushing and competing to mark the land.” (*Daʿīf*)

٣٠٧١ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنِي عَبْدُ الْحَمِيدِ بْنُ عَبْدِ الْوَاحِدِ: حَدَّثَنِي أُمُّ جَنْوِبٍ بِنْتُ نُمَيْلَةَ عَنْ أُمِّهَا سُوَيْدَةَ بِنْتِ جَابِرٍ، عَنْ أُمِّهَا عَقِيلَةَ بِنْتِ أَسْمَرَ بْنِ مُضَرَّسٍ، عَنْ أَبِيهَا أَسْمَرَ بْنِ مُضَرَّسٍ قَالَ: أَتَيْتُ النَّبِيَّ ﷺ فَبَايَعْتُهُ فَقَالَ: «مَنْ سَبَقَ إِلَيَّ مَا لَمْ يَسْبِقْهُ إِلَيْهِ مُسْلِمٌ فَهُوَ لَهُ». قَالَ: فَخَرَجَ النَّاسُ يَتَعَادَوْنَ يَتَخَاطَوْنَ.

تخريج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ١/٢٨٠، ح: ٨١٤ من حديث محمد ابن بشار به وأورده الضياء في المختارة: ٤/٢٢٧، ٢٢٨، ح: ١٤٣٤ وحسنه الحافظ في الإصابة: ١/٤١ * قال الحافظ في التقریب: سويدة لا تعرف، وعقيلة لا يعرف حالها، أم جنوب لا يعرف حالها ولم أجد من وثقهن صراحة فحالهن مجهول.

3072. It was narrated from Ibn ‘Umar that the Prophet ﷺ allocated to Az-Zubair land as far as his horse could run, so he made his horse run until it stopped, then he threw his whip. He said: “Give him (land) as far as his whip reached.” (*Hasan*)

٣٠٧٢ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا حَمَّادُ بْنُ خَالِدٍ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو، عَنْ نَافِعٍ، عَنْ ابْنِ عَمْرٍو: أَنَّ النَّبِيَّ ﷺ أَقْطَعَ الزُّبَيْرَ خُضْرَ فَرْسِهِ فَاجْرَى فَرْسَهُ حَتَّى قَامَ ثُمَّ رَمَى بِسَوْطِهِ فَقَالَ: «أَعْطُوهُ مِنْ حَيْثُ بَلَغَ السَّوْطُ».

تخريج: [إسناده حسن] أخرجه البيهقي: ٦/١٤٤ من حديث أحمد به، وهو في مسند أحمد: ٢/١٥٦ * عبدالله العمري صالح الحديث عن نافع وضعيف عن غيره.

Chapter 35/37 Reviving Dead Land

(المعجم ٣٥، ٣٧) بَابُ: فِي إِحْيَاءِ

الْمَوَاتِ (التحفة ٣٧)

3073. It was narrated from Sa'eed bin Zaid that the Prophet ﷺ said: "Whoever revives dead land, it is his, and that which is unlawfully planted confers no rights." (*Hasan*)

٣٠٧٣ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْوَهَّابِ: حَدَّثَنَا أَيُّوبُ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ زَيْدٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ وَلَيْسَ لِعِرْقِ ظَالِمٍ حَقٌّ».

تخريج: [إسناده حسن] أخرجه الترمذي، الأحكام، باب ما ذكر في إحياء أرض الموات، ح: ١٣٧٨ من حديث عبد الوهاب الثقفي به وقال: "حسن غريب".

3074. It was narrated from Yahyā bin 'Urwah from his father, that the Messenger of Allāh ﷺ said: "Whoever revives dead land, it is his." He mentioned something similar, then he said: "The one who narrated this *Hadīth* to me said: 'Two men referred a dispute to the Messenger of Allāh ﷺ, one of whom had planted palm trees on the land of the other. He ruled that the land belonged to the owner of the land, and he ordered the owner of the palm trees to take his trees out.' He said: 'I saw them when their roots were being struck with the hoe, and they were fully grown, until they were removed.'" (*Da'if*)

٣٠٧٤ - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا عَبْدُهُ عَنْ مُحَمَّدٍ يَعْنِي ابْنَ إِسْحَاقَ، عَنْ يَحْيَى بْنِ عُرْوَةَ، عَنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ». وَذَكَرَ مِثْلَهُ قَالَ: فَلَقَدْ خَبَّرَنِي الَّذِي حَدَّثَنِي هَذَا الْحَدِيثَ: أَنَّ رَجُلَيْنِ اخْتَصَمَا إِلَى رَسُولِ اللَّهِ ﷺ غَرَسَ أَحَدُهُمَا نَخْلًا فِي أَرْضِ الْآخَرِ فَقَضَى لِصَاحِبِ الْأَرْضِ بِأَرْضِهِ وَأَمَرَ صَاحِبَ النَّخْلِ أَنْ يُخْرِجَ نَخْلَهُ مِنْهَا. قَالَ: فَلَقَدْ رَأَيْتُهَا وَإِنَّهَا لَتُضْرَبُ أَصُولُهَا بِالْفُؤُسِ - وَإِنَّهَا لَتَنْحَلُّ عُمٌ - حَتَّى أُخْرِجَتْ مِنْهَا.

تخريج: [إسناده ضعيف] أخرجه ابن عبد البر في التمهيد: ٢٢/٢٨٢ من حديث أبي داود به. وأصله عند النسائي في الكبرى، ح: ٥٧٦٠ * محمد بن إسحاق مدلس وعنعن والحديث السابق: ٣٠٧٣ يُعْنِي عَنْهُ.

3075. It was narrated with the same chain and meaning from Ibn Ishāq (as no. 3074), except that instead of saying "the one who

٣٠٧٥ - حَدَّثَنَا أَحْمَدُ بْنُ سَعِيدٍ الدَّارِمِيُّ: حَدَّثَنَا وَهْبٌ عَنْ أَبِيهِ، عَنْ ابْنِ إِسْحَاقَ بِإِسْنَادِهِ وَمَعْنَاهُ إِلَّا أَنَّهُ قَالَ عِنْدَ قَوْلِهِ، مَكَانَ

narrated this to me,” he said: “One of the Companions of the Prophet ﷺ, and I think it was most likely Abū Sa‘eed Al-Khudrī, said: ‘I saw the man striking the roots of the palm trees.’” (*Da‘īf*)

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٩٩/٦ من حديث أبي داود به وانظر الحديث السابق: ٣٠٧٤.

3076. It was narrated that ‘Urwah said: “I bear witness that the Messenger of Allāh ﷺ ruled, that the land belongs to Allāh, and people are the slaves of Allāh. Whoever revives dead land, he has more right to it. This came to us from the Prophet ﷺ from those that the prayer came to us.” (*Hasan*)

٣٠٧٦ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ الْأَمَلِيِّ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ عُثْمَانَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ: أَخْبَرَنَا نَافِعُ بْنُ عُمَرَ عَنْ ابْنِ أَبِي مُلَيْكَةَ، عَنْ عُرْوَةَ قَالَ: أَشْهَدُ أَنَّ رَسُولَ اللَّهِ ﷺ قَضَى: أَنَّ الْأَرْضَ أَرْضُ اللَّهِ، وَالْعِبَادَ عِبَادُ اللَّهِ، وَمَنْ أَحْيَا مَوَاتًا فَهُوَ أَحَقُّ بِهَا، جَاءَنَا بِهِذَا عَنِ النَّبِيِّ ﷺ الَّذِينَ جَاءُوا بِالصَّلَوَاتِ عَنْهُ.

تخريج: [حسن] أخرجه البيهقي: ١٤٢/٦ من حديث أبي داود به.

3077. It was narrated from Samurah that the Prophet ﷺ said: “Whoever surrounds the (dead) land with a wall, it is his.” (*Da‘īf*)

٣٠٧٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ: حَدَّثَنَا سَعِيدٌ عَنْ قَتَادَةَ، عَنِ الْحَسَنِ، عَنْ سَمُرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ أَحَاطَ حَائِطًا عَلَى أَرْضٍ فَهِيَ لَهُ».

تخريج: [إسناده ضعيف] أخرجه النسائي في الكبرى: ٤٠٥/٣، ح: ٥٧٦٣ من حديث سعيد ابن أبي عروبة، والطيايسي، ح: ٩٠٦ من حديث هشام، كلاهما عن قتادة به وهو مدلس وعنن ومع ذلك صححه ابن الجارود، ح: ١٠١٥.

3078. It was reported from Mālik, who said: “Hishām said: ‘That which is unlawfully planted refers to a man who plants things on someone else’s land, so that he may be entitled to it.’” Mālik said: “That which is unlawfully planted

٣٠٧٨ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بْنِ السَّرْحِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي مَالِكٌ: قَالَ هِشَامٌ: الْعِرْقُ الظَّالِمُ أَنْ يَغْرِسَ الرَّجُلُ فِي أَرْضٍ غَيْرِهِ، فَيَسْتَحِقَّهَا بِذَلِكَ. قَالَ مَالِكٌ: وَالْعِرْقُ الظَّالِمُ كُلُّ مَا أُخِذَ وَاخْتَوَرِ

refers to all land that is taken, dug, and farmed unlawfully.” (*Ṣaḥīḥ*)

وَعُرْسَ بَعِيرٍ حَقٌّ.

تخريج: [إسناده صحيح] أخرجه ابن عبد البر في التمهيد: ٢٨٤/٢٢ من حديث أبي داود به، وهو في الموطأ (يحيى): ٧٤٣/٢.

3079. It was narrated that Abū Humaid As-Sā'idī said: “I went on the campaign to Tabūk with the Messenger of Allāh ﷺ. When he came to Wādī Al-Qurā, he saw a woman in a garden of hers. The Messenger of Allāh ﷺ said to his Companions: ‘Estimate (the yield).’ The Messenger of Allāh ﷺ estimated it at ten *Wasqs*, and he said to the woman: ‘Count the yield.’ We arrived in Tabūk, and the king of Aylah gave the Messenger of Allāh ﷺ a white mule, and the Prophet ﷺ gave him a *Burdah*, and he wrote a document to him, meaning, approving him as ruler of his land on the coast. When we returned to Wādī Al-Qurā, he said to the woman: ‘How much was there in your garden?’ She said: ‘Ten *Wasq*, as the Messenger of Allāh ﷺ had estimated.’ The Messenger of Allāh ﷺ said: ‘I am going to hasten on to Al-Madīnah. Whoever wants to hasten on with me, let him do so.’” (*Ṣaḥīḥ*)

تخريج: أخرجه البخاري، الزكاة، باب خرص التمر، ح: ١٤٨١ عن سهل بن بكار مطولاً ومسلم، الحج، باب فضل أحد، ح: ١٣٩٢ بعد، ح: ٢٢٨١ من حديث وهيب به.

3080. It was narrated from Kulthūm from Zainab that she was combing the hair of the Messenger of Allāh ﷺ, and the wife of ‘Uthmān bin ‘Affān and some

٣٠٧٩ - حَدَّثَنَا سَهْلُ بْنُ بَكَّارٍ: حَدَّثَنَا وَهْبُ بْنُ خَالِدٍ عَنْ عَمْرِو بْنِ يَحْيَى، عَنِ الْعَبَّاسِ السَّاعِدِيِّ يَعْنِي ابْنَ سَهْلٍ بْنِ سَعْدٍ، عَنْ أَبِي حُمَيْدٍ السَّاعِدِيِّ قَالَ: غَزَوْتُ مَعَ رَسُولِ اللَّهِ ﷺ تَبُوكَ فَلَمَّا أَتَى وَادِيَ الْقُرَى إِذَا امْرَأَةً فِي حَدِيقَةٍ لَهَا، فَقَالَ رَسُولُ اللَّهِ ﷺ لِأَصْحَابِهِ: «اخْرُصُوا»، فَخَرَصَ رَسُولُ اللَّهِ ﷺ عَشْرَةَ أَوْسُقٍ، فَقَالَ لِلْمَرْأَةِ: «أَخْصِي مَا يَخْرُجُ مِنْهَا»، فَأَتَيْنَا تَبُوكَ فَأَهْدَى مَلِكُ أَيْلَةَ إِلَى رَسُولِ اللَّهِ ﷺ بَغْلَةً بَيْضَاءَ وَكَسَاهُ بُرْدَةً وَكَتَبَ لَهُ يَعْنِي بِخِرِهِ. قَالَ: فَلَمَّا أَتَيْنَا وَادِيَ الْقُرَى قَالَ لِلْمَرْأَةِ: «كَمْ كَانَ فِي حَدِيقَتِكَ؟» قَالَتْ: عَشْرَةَ أَوْسُقٍ خَرَصَ رَسُولُ اللَّهِ ﷺ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «إِنِّي مُتَعَجِّلٌ إِلَى الْمَدِينَةِ فَمَنْ أَرَادَ أَنْ يَتَعَجَّلَ مَعِيَ فَلْيَتَعَجَّلْ».

٣٠٨٠ - حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ غِيَاثٍ: حَدَّثَنَا عَبْدُ الْوَاحِدِ بْنُ زِيَادٍ: حَدَّثَنَا الْأَعْمَشُ عَنْ جَامِعِ بْنِ شَدَّادٍ، عَنْ كُلْثُومَ عَنْ زَيْنَبَ، أَنَّهَا كَانَتْ تَقْلِي رَأْسَ رَسُولِ اللَّهِ ﷺ وَعِنْدَهُ

Muhājir women were with him, complaining about being evicted from their houses. The Messenger of Allāh ﷺ ordered that the houses of the *Muhājirīn* were to be inherited by their wives. When ‘Abdullāh bin Mas‘ūd died, his wife inherited a house in Al-Madīnah. (*Da‘īf*)

أَمْرَأَةُ عُمَاصَ بْنِ عَمَّانَ وَنِسَاءَ مِنَ الْمُهَاجِرَاتِ وَهِنَّ يَشْتَكِينَ مَنَازِلَهُنَّ: أَنَّهُا تَضِيقُ عَلَيْهِنَّ وَيُخْرِجْنَ مِنْهَا فَأَمَرَ رَسُولُ اللَّهِ ﷺ أَنْ تُورَثَ دُورَ الْمُهَاجِرِينَ النِّسَاءَ فَمَاتَ عَبْدُ اللَّهِ بْنُ مَسْعُودٍ فَوَرِثَتْهُ أَمْرَأَتُهُ دَارًا بِالْمَدِينَةِ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٣٦٣/٦ من حديث عبدالواحد بن زياد به * الأعمش: مدلس وعنعن.

Comments:

The Messenger of Allāh ﷺ had granted plots of land to the Emigrants in Al-Madinah in order that they build their houses there. And since these were barren portions of land that were developed by these people, they were declared as their own. This explains the author's incorporation of this *Hadīth* under this chapter. The decision to grant the houses to the widows of their husbands was specific to the wives of the Emigrants at that time.

Chapter 36,38. What Has Been Related About Entering *Kharāj*^[1] Lands

(المعجم ٣٦، ٣٨) - بَابُ مَا جَاءَ فِي الدُّخُولِ فِي أَرْضِ الْخَرَاجِ (التحفة ٣٨)

3081. It was narrated that Mu‘ādh said: “Whoever contracts payment of *Jizyah* upon himself, he has nothing to do with the way of the Messenger of Allāh ﷺ.” (*Da‘īf*)

٣٠٨١ - حَدَّثَنَا هَارُونُ بْنُ مُحَمَّدٍ بْنُ بَكَّارٍ بْنِ بِلَالٍ: أَخْبَرَنَا مُحَمَّدُ بْنُ عِيسَى يَغْنِي ابْنُ سَمِيعٍ قَالَ: حَدَّثَنَا زَيْدُ بْنُ وَاقِدٍ: حَدَّثَنِي أَبُو عَبْدِ اللَّهِ عَنْ مُعَاذٍ أَنَّهُ قَالَ: مَنْ عَقَدَ الْحِزْيَةَ فِي عُنُقِهِ فَقَدْ بَرِيَءَ مِمَّا عَلَيْهِ رَسُولُ اللَّهِ ﷺ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٣٩/٩ من حديث أبي داود به * أبو عبدالله الخزازي: لم أجد من وثقه، وفي سماعه من معاذ نظر.

3082. It was reported from Sinān bin Qais (who said): *Shabīb* bin Nu‘aim narrated to me (he said);

٣٠٨٢ - حَدَّثَنَا حَيَّوَةُ بْنُ شُرَيْحٍ الْحَضْرَمِيُّ: حَدَّثَنَا بَقِيَّةٌ: حَدَّثَنِي عُمَارَةُ بْنُ

[1] The amount of yield or produce of the land that a non-Muslim resident of a conquered land pays to the treasury is known as *Kharāj* (tribute).

Yazīd bin Khumair narrated to me (he said): Abū Ad-Dardā' said: The Messenger of Allāh ﷺ said: "Whoever takes land on which *Kharāj* is paid, it is as if he has renounced his *Hijrah*, and whoever removes humiliation from a disbeliever, and takes it upon himself, then he has turned his back on Islam." He said: "*Khālīd bin Ma'dān* heard this *Hadīth* from me, and he said to me: 'Did *Shabīb* narrate it to you?' I said: 'Yes.' He said: 'If you go to him, ask him to write the *Hadīth* for me.' I said: 'Yes.'" He said: "He wrote it for him, and when I came, *Khālīd bin Ma'dān* asked me for the paper, and I gave it to him. After he read it, he gave up the land that was in his possession when he heard that." (*Da'īf*)

أَبِي الشَّعْثَاءِ: حَدَّثَنِي سَيَّانُ بْنُ قَيْسٍ: حَدَّثَنِي شَيْبُ بْنُ نُعَيْمٍ: حَدَّثَنِي يَزِيدُ بْنُ حُمَيْرٍ: حَدَّثَنِي أَبُو الدَّرْدَاءِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ أَخَذَ أَرْضًا بِحَرْبَتِهَا فَقَدْ اسْتَقَالَ هِجْرَتَهُ، وَمَنْ نَزَعَ صَعَارَ كَافِرٍ مِنْ عُنُقِهِ فَجَعَلَهُ فِي عُنُقِهِ فَقَدْ وَلَّى الْإِسْلَامَ ظَهْرَهُ». قَالَ: فَسَمِعَ مِنِّي خَالِدُ بْنُ مَعْدَانَ هَذَا الْحَدِيثَ فَقَالَ لِي: أَشَيْبٌ حَدَّثَكَ؟ فَقُلْتُ: نَعَمْ، قَالَ: فَإِذَا قَدِمْتُ فَسَلْهُ فَلْيَكْتُبْ إِلَيَّ بِالْحَدِيثِ قَالَ: فَكَتَبَهُ لِي، فَلَمَّا قَدِمْتُ سَأَلَنِي خَالِدُ بْنُ مَعْدَانَ الْقُرْطَاسَ، فَأَعْطَيْتُهُ. فَلَمَّا قَرَأَهُ تَرَكَ مَا فِي يَدَيْهِ مِنَ الْأَرْضِ حِينَ سَمِعَ ذَلِكَ.

قَالَ أَبُو دَاوُدَ: هَذَا يَزِيدُ بْنُ حُمَيْرٍ الْبِرْنِيُّ لَيْسَ هُوَ صَاحِبُ شُعْبَةَ.

تخريج: [إسناده ضعيف] أخرجه البيهقي ١٣٩/٩ من حديث أبي داود به * عمارة بن أبي الشعثاء: مجهول، وسنان: مستور.

Chapter 37,39. Land Protected By A Ruler Or By A Man

(المعجم ٣٧، ٣٩) بَابُ: فِي الْأَرْضِ يَحْمِيهَا الْإِمَامُ أَوْ الرَّجُلُ (التحفة ٣٩)

3083. It was narrated from Aṣ-Ṣa'b bin Jath-thāmah that the Messenger of Allāh ﷺ said: "There is no protection of land except for Allāh and His Messenger." Ibn Shihāb said: "I heard that the Messenger of Allāh ﷺ protected An-Naqī'." (*Ṣaḥīḥ*)

٣٠٨٣ - حَدَّثَنَا ابْنُ السَّرْحِ: أَخْبَرَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي يُونُسُ عَنْ ابْنِ شِهَابٍ، عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ ابْنِ عَبَّاسٍ، عَنْ الصَّعْبِ بْنِ جَثَامَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «لَا حِمَى إِلَّا لِلَّهِ وَلِرَسُولِهِ». قَالَ ابْنُ شِهَابٍ: وَبَلَغَنِي أَنَّ رَسُولَ اللَّهِ ﷺ حَمَى النَّقِيعَ.

تخريج: أخرجه البخاري، المساقاة، باب: لا حمى إلا لله ولرسوله ﷺ، ح: ٢٣٧٠ من حديث يونس بن يزيد به.

3084. It was narrated that Aṣ-Ṣa'b bin Jaththāmah said: "The Prophet ﷺ protected An-Naqī' and said: "There is no protection (of land) except for Allāh, the Mighty and Sublime."" (*Ṣaḥīḥ*)

٣٠٨٤ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ، عَنْ ابْنِ شِهَابٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، عَنْ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ، عَنْ الصَّغْبِ بْنِ جَثَامَةَ: أَنَّ النَّبِيَّ ﷺ حَمَى النَّقِيعَ وَقَالَ: «لَا حِمَى إِلَّا لِلَّهِ عَزَّوَجَلَّ».

تخريج: [صحيح] انظر الحديث السابق وأخرجه عبدالله بن أحمد في زوائد المسند: ٤/٧١ من حديث عبدالعزيز بن محمد به.

Comments:

It was a place used for keeping the camels donated as *Zakāt*. A Muslim ruler has the authority to particularize a certain pasture or piece of land for a particular purpose. The general public is not given any such authority.

Chapter 38, 40. *Ar-Rikāz* (Buried Treasure) And The Levy Due On It

(المعجم ٣٨، ٤٠) - بَابُ مَا جَاءَ فِي الرِّكَازِ وَمَا فِيهِ (التحفة ٤٠)

3085. It was narrated from Sa'eed bin Al-Musayyab and Abū Salamah, that they heard Abū Hurairah narrate that the Prophet ﷺ said: "The *Khumus* is due on buried treasure (*Ar-Rikāz*)."
(*Ṣaḥīḥ*)

٣٠٨٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سَفْيَانُ عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ وَأَبِي سَلَمَةَ سَمِعَا أَبَا هُرَيْرَةَ يُحَدِّثُ أَنَّ النَّبِيَّ ﷺ قَالَ: «فِي الرِّكَازِ الْخُمْسُ».

تخريج: أخرجه مسلم، الحدود، باب جرح العجماء والمعدن والبئر جبار، ح: ١٧١٠ من حديث سفيان بن عيينة والبخاري، الزكاة، باب: في الركاك الخمس، ح: ١٤٩٩ من حديث الزهري به.

Comments:

A treasure of unknown ownership found buried in a desolate piece of land, or in a previously inhabited area is known as *Rikāz*. Anyone who finds such a treasure becomes the rightful owner of it, after paying the prescribed one-fifth part of it to the ruler.

3086. It was narrated that Al-Hasan said: "*Ar-Rikāz* is treasure

٣٠٨٦ - حَدَّثَنَا يَحْيَى بْنُ أَبِي بَرْ: حَدَّثَنَا عَبْدُ ابْنِ الْعَوَّامِ عَنْ هِشَامٍ، عَنْ الْحَسَنِ

that was buried in early times
(*Jāhiliyyah*).” (*Da‘īf*)

تخریج: [إسناده ضعيف] أخرجه ابن أبي شيبة: ٢٢٥/٣، ح: ١٠٧٧٦ من حديث عباد بن العوام به * هشام بن حسان: مدلس وعنعن.

3087. It was narrated that Ḍubā‘ah bint Az-Zubair bin ‘Abdul-Muttalib bin Hāshim said: “Al-Miqdād went out to relieve himself in Baqi‘ Al-Khabkhabah, and suddenly he saw a rat bringing a Dinār out of a hole. It kept bringing out Dinār after Dinār, until it had brought out seventeen Dinārs. Then it brought out a red purse, in which was another Dinār, so there were eighteen Dinārs in all. He took them to the Prophet ﷺ, and told him (what had happened) and said: ‘Take the *Ṣadaqah* that is due on it.’ The Prophet ﷺ said to him: ‘Did you reach your hand towards the hole?’ he said: ‘No.’ The Messenger of Allāh ﷺ said to him: ‘May Allāh bless it for you.’” (*Da‘īf*)

٣٠٨٧ - حَدَّثَنَا جَعْفَرُ بْنُ مُسَافِرٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: حَدَّثَنَا الزَّمْعِيُّ عَنْ عَمَّتِهِ قُرَيْبَةَ بِنْتِ عَبْدِ اللَّهِ بْنِ وَهْبٍ، عَنْ أُمِّهَا كَرِيمَةَ بِنْتِ الْمُقْدَادِ، عَنْ ضَبَاعَةَ بِنْتِ الزُّبَيْرِ بْنِ عَبْدِ الْمُطَّلِبِ بْنِ هَاشِمٍ أَنَّهَا أَخْبَرَتْهَا قَالَتْ: ذَهَبَ الْمُقْدَادُ لِحَاجَتِهِ بِبَيْعِ الْخَبْخَبَةِ فَإِذَا جُرْذٌ يُخْرِجُ مِنْ جُحْرِ دِينَارًا ثُمَّ لَمْ يَزَلْ يُخْرِجُ دِينَارًا دِينَارًا حَتَّى أَخْرَجَ سَبْعَةَ عَشَرَ دِينَارًا ثُمَّ أَخْرَجَ خِرْقَةً حَمْرَاءَ يَعْنِي فِيهَا دِينَارٌ، فَكَانَتْ ثَمَانِيَةَ عَشَرَ دِينَارًا فَلَذَهَبَ بِهَا إِلَى النَّبِيِّ ﷺ فَأَخْبَرَهُ وَقَالَ لَهُ: خُذْ صَدَقَتَهَا، فَقَالَ لَهُ النَّبِيُّ ﷺ: «هَلْ هَوَيْتَ إِلَى الْجُحْرِ؟» قَالَ: لَا، فَقَالَ لَهُ رَسُولُ اللَّهِ ﷺ: «بَارَكَ اللَّهُ لَكَ فِيهَا».

تخریج: [إسناده ضعيف] أخرجه ابن ماجه، اللقطة، باب التقاط ما أخرج الجرذ، ح: ٢٥٠٨ من حديث الزمعي به * قرية: مجهولة الحال.

Chapter 39,41. Digging Up Ancient Graves In Which There Is Wealth

3088. ‘Abdullāh bin ‘Amr said: “I heard the Messenger of Allāh ﷺ say, when we went out with him to At-Tā‘if, and we passed by a grave, ‘This is the grave of Abū Righāl. He was in this sanctuary, protected from punishment, but when he came out, there befell him the

(المعجم ٣٩، ٤١) - بَابُ نَبَشِ الْقُبُورِ
الْعَادِيَةِ يَكُونُ فِيهَا الْمَالُ (التحفة ٤١)

٣٠٨٨ - حَدَّثَنَا يَحْيَى بْنُ مَعِينٍ: حَدَّثَنَا ابْنُ جَرِيرٍ: حَدَّثَنَا أَبِي قَالَ: سَمِعْتُ مُحَمَّدَ بْنَ إِسْحَاقَ يُحَدِّثُ عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ، عَنْ بُجَيْرِ بْنِ أَبِي بُجَيْرٍ قَالَ: سَمِعْتُ عَبْدَ اللَّهِ بْنَ عَمْرٍو يَقُولُ: سَمِعْتُ رَسُولَ اللَّهِ

same punishment as had befallen his people in this place, and he was buried there. The sign of that is that a limb of gold was buried with him. If you open up the grave, you will find it with him.’ The people hastened to dig, and took out the limb.” (*Ḍaʿīf*)

يَقُولُ جَبْرٌ خَرَجْنَا مَعَهُ إِلَى الطَّائِفِ
فَمَرَرْنَا بِقَبْرِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «هَذَا قَبْرُ
أَبِي رِغَالٍ، وَكَانَ بِهَذَا الْحَرَمِ يُدْفَعُ عَنْهُ،
فَلَمَّا خَرَجَ، أَصَابَتْهُ النِّقْمَةُ الَّتِي أَصَابَتْ قَوْمَهُ
بِهَذَا الْمَكَانِ فَدُفِنَ فِيهِ، وَآيَةُ ذَلِكَ أَنَّهُ دُفِنَ
مَعَهُ عُصْنٌ مِنْ ذَهَبٍ، إِنْ أَنْتُمْ نَبَسْتُمْ عَنْهُ
أَصَبْتُمُوهُ مَعَهُ». فَأَبْتَدَرَهُ النَّاسُ فَاسْتَخْرَجُوا
الْعُصْنَ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٥٦/٤ من حديث وهب بن جرير به * بجير:
مجهول.

The End of the Book of Kharāj, Fai’ and *Imārah*

BOOK 20. THE BOOK OF FUNERALS

(المعجم ٢٠) - أَوَّلُ كِتَابِ الْجَنَائِزِ

(التحفة ١٥)

Common Practices Having No Proof In The *Shari'ah* :

1. Putting either a copy of the Qur'ān or a collection of supplications or other devotional texts at the head of the dying person's bedstead.
2. Reciting supplications and poetic eulogiums for the Prophet ﷺ by the bedstead.
3. Laying wreaths or embellished sheets of cloth or sheets with Qur'ānic Verses inscribed in them.
4. Chanting the Confession of the Islamic Faith by the participants of the funeral procession.
5. Transporting the dead body from one city to another without a valid reason.
6. Acts like decorating the grave or inscribing Qur'ānic Verses and other religious texts on it.
7. Calling the *Adhān* or reciting *Sūrat Al-Baqarah* at the grave.
8. Particularizing Mondays, Thursdays or the 10th of Muḥarram for visits to the grave.
9. Singing poetic tributes to the Prophet ﷺ or poetic odes, or placing earthen (or metallic) lamps beside the grave.
10. Organizing celebrations on the third, seventh or fortieth days after the death, or giving public feasts supposedly for conveying the rewards of these acts to the departed soul.
11. Performing what is termed as *Qul* (reciting the Qur'ān in the midst of a feast held to commemorate the death of the deceased person) on the 2nd or 3rd day of the death.
12. Hiring professionals to recite the Qur'ān or organizing annual rituals of *Khatm* (recitation of the whole Qur'ān) as a means of conveying the reward thereof to the deceased person.

Chapter 1. Sickneses Which Expiate For Sins

(المعجم ١) - بَابُ الْأَمْرَاضِ الْمُكَفِّرَةِ

لِلذُّنُوبِ (التحفة ١)

3089. It was narrated from 'Āmir Ar-Rām, the brother of Al-Khudr — Abū Dāwud said: An-Nufailī said: "He is Al-Khudr. But that is how he said it." — He said: "I was in our country when the flags and

٣٠٨٩ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ ابْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي رَجُلٌ مِنْ أَهْلِ الشَّامِ يُقَالُ لَهُ: أَبُو مَنْظُورٍ عَنْ عَمِّهِ، قَالَ:

banners were raised. I said: 'What is this?' They said: 'This is the banner of the Messenger of Allāh ﷺ.' I came to him when he was beneath a tree; a cloak had been spread out for him, and he was sitting on it, and his Companions had gathered around him, I sat with them and the Messenger of Allāh ﷺ mentioned illnesses. He said: 'When the believer is stricken with an illness, then Allāh heals him of it, it is an expiation for his past sins, and a warning for the future. But when the hypocrite is stricken with an illness, then recovers, he is like a camel whose owners tethered it, then let it loose, and it does not know why they tethered it, nor why they let it loose.' One of the men who were around him said: 'O Messenger of Allāh, what are illnesses? By Allāh, I have never fallen sick.' The Prophet ﷺ said: 'Get up and leave us, for you are not one of us.' While we were with him, a man came wearing a cloak, and carrying in his hand something over which he had wrapped part of his cloak. He said: 'O Messenger of Allāh, when I saw you I came to you, and I passed through a thicket of trees, where I heard the voices of some chicks. I took them and put them in my cloak, and their mother came and started hovering above my head. I uncovered them and she swooped down on them, and I wrapped them all up in the cloak and they are with me here.' He said: 'Put them down.' So he put them down, but their mother persisted on

حَدَّثَنِي عَمِّي عَنْ عَامِرِ الرَّامِ، أَخِي الْخَضِرِ. قَالَ أَبُو دَاوُدَ: قَالَ النَّفِيلِيُّ: هُوَ الْخَضِرُ، وَلَكِنْ كَذَا قَالَ، قَالَ: إِنِّي لَبِلَادِنَا إِذْ رُفِعَتْ لَنَا رَايَاتٌ وَالْوَيْةُ، فَقُلْتُ: مَا هَذَا؟ قَالُوا: هَذَا لِوَاءِ رَسُولِ اللَّهِ ﷺ فَأَتَيْتُهُ وَهُوَ تَحْتَ شَجَرَةٍ قَدْ بَسِطَ لَهُ كِسَاءٌ وَهُوَ جَالِسٌ عَلَيْهِ وَقَدْ اجْتَمَعَ إِلَيْهِ أَصْحَابُهُ فَجَلَسْتُ إِلَيْهِمْ، فَذَكَرَ رَسُولُ اللَّهِ ﷺ الْأَسْقَامَ فَقَالَ: «إِنَّ الْمُؤْمِنَ إِذَا أَصَابَهُ السَّقَمُ ثُمَّ أَغْفَاهُ اللَّهُ مِنْهُ كَانَ كَفَّارَةً لِمَا مَضَى مِنْ ذُنُوبِهِ وَمَوْعِظَةً لَهُ فِيمَا يَسْتَقْبِلُ، وَإِنَّ الْمُنَافِقَ إِذَا مَرِضَ ثُمَّ أُعْفِيَ كَانَ كَالْبَعِيرِ عَقَلَهُ أَهْلُهُ ثُمَّ أُرْسِلُوهُ فَلَمْ يَدْرِ لِمَ عَقَلُوهُ وَلَمْ يَدْرِ لِمَ أُرْسِلُوهُ»، فَقَالَ رَجُلٌ مِمَّنْ حَوْلَهُ: يَا رَسُولَ اللَّهِ! وَمَا الْأَسْقَامُ؟ وَالله! مَا مَرِضْتُ قَطُّ، فَقَالَ النَّبِيُّ ﷺ: «قُمْ عَنَّا فَلَسْتَ مِنَّا»، فَبَيْنَا نَحْنُ عِنْدَهُ إِذْ أَقْبَلَ رَجُلٌ عَلَيْهِ كِسَاءٌ وَفِي يَدِهِ شَيْءٌ قَدْ التَفَّ عَلَيْهِ، فَقَالَ: يَا رَسُولَ اللَّهِ! إِنِّي لَمَّا رَأَيْتُكَ أَقْبَلْتُ إِلَيْكَ فَمَرَرْتُ بِغَيْصَةِ شَجَرٍ فَسَمِعْتُ فِيهَا أَصْوَاتَ فِرَاحٍ طَائِرٍ، فَأَخَذْتُهِنَّ فَوَضَعْتُهُنَّ فِي كِسَائِي، فَجَاءَتْ أُمَّهُنَّ فَاسْتَدَارَتْ عَلَى رَأْسِي فَكَشَفْتُ لَهَا عَنْهُنَّ فَوَقَعَتْ عَلَيْهِنَّ مَعَهُنَّ فَلَفَقَتْهُنَّ بِكِسَائِي فَهُنَّ أَوْلَاءٌ مَعِي. قَالَ: «ضَعْنَهُنَّ عَنْكَ»، فَوَضَعْتُهُنَّ، وَأَبَتْ أُمَّهُنَّ إِلَّا لُرُومَهُنَّ، فَقَالَ رَسُولُ اللَّهِ ﷺ لِأَصْحَابِهِ: «أَتَعْجَبُونَ لِرُحْمِ أُمَّ الْأَفْرَاحِ فِرَاحَهَا؟» قَالُوا: نَعَمْ يَا رَسُولَ اللَّهِ؛ قَالَ: «فَوَالَّذِي بَعْتَنِي بِالْحَقِّ!

staying close to them. The Messenger of Allāh ﷺ said to his Companions: 'Are you surprised by the compassion of the chicks' mother towards her chicks?' They said: 'Yes, O Messenger of Allāh.' He said: 'By the One Who sent me with the truth, Allāh is more compassionate towards His slaves than the mother of the chicks towards her chicks. Take them and put them back where you took them from, and their mother with them.' So he took them back." (*Da'if*)

لَهُ أَرْحَمُ بِعِبَادِهِ مِنْ أُمِّ الْأَفْرَاحِ بِفِرَاحِهَا،
أَرْجِعْ بِهِنَّ حَتَّى تَضَعَهُنَّ مِنْ حَيْثُ أَخَذْتَهُنَّ
وَأُمُّهُنَّ مَعَهُنَّ، فَارْجِعْ بِهِنَّ.

تخريج: [إسناده ضعيف] أخرجه البغوي في شرح السنة: ٢٥١، ٢٥٠/٥، ح: ١٤٤٠ من حديث النفيلي، وأبو نعيم الأصبهاني في معرفة الصحابة: ٢٠٦٤، ٢٠٦٥، ح: ٥١٨٨ من حديث محمد بن سلمة به * أبو منظور: مجهول وعمه: لم أعرفه.

Comments:

There is no doubt that that the pains, sorrows and illnesses suffered by men are generally the result of their own misdeeds. On a positive note, however, as may be seen from the ensuing *Aḥādīth*, these very trials become atonement for the sins of the believers.

3090. It was narrated from Muḥammad bin Khālīd — Abū Dāwūd said: Ibrāhīm bin Maḥdī said: "As-Sulamī" — from his father, that his grandfather, who was a Companion of the Messenger of Allāh ﷺ, said: "I heard the Messenger of Allāh ﷺ say: 'If a certain status has previously been decreed by Allāh for a person, and he does not attain it by his deeds, Allāh afflicts him in his body, or wealth, or children.'" (*Hasan*)

Abū Dāwūd said: Ibn Nufail (one of the narrators) added: "Then He makes him bear it with patience." Then they (the two narrators) were in accord: "Until He causes him to reach the status that Allāh had

٣٠٩٠ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النَّفِيلِيُّ
وإِبْرَاهِيمُ بْنُ مَهْدِيٍّ الْمِصْبِصِيُّ الْمَعْنَى قَالَ:
أَخْبَرَنَا أَبُو الْمَلِيحِ عَنْ مُحَمَّدِ بْنِ خَالِدٍ. قَالَ
أَبُو دَاوُدَ: قَالَ إِبْرَاهِيمُ بْنُ مَهْدِيٍّ: السُّلَمِيُّ
عَنْ أَبِيهِ، عَنْ جَدِّهِ وَكَانَتْ لَهُ صُحْبَةٌ مِنْ
رَسُولِ اللَّهِ ﷺ، قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ
يَقُولُ: «إِنَّ الْعَبْدَ إِذَا سَبَقَتْ لَهُ مِنَ اللَّهِ مَنَزَلَةٌ
لَمْ يَلْغُهَا بِعَمَلِهِ ابْتِلَاءُ اللَّهِ فِي جَسَدِهِ أَوْ فِي
مَالِهِ أَوْ فِي وَلَدِهِ».

قَالَ أَبُو دَاوُدَ: زَادَ ابْنُ نُفَيْلٍ: «ثُمَّ صَبَّرَهُ
عَلَى ذَلِكَ». ثُمَّ اتَّفَقَا: «حَتَّى يُلْغَاهُ الْمَنَزَلَةُ
الَّتِي سَبَقَتْ لَهُ مِنَ اللَّهِ تَبَارَكَ وَتَعَالَى».

previously decreed for him.”

تخريج: [حسن] أخرجه أحمد: ٢٥٢/٥ من حديث أبي المليح به وسنده ضعيف من أجل جهالة محمد بن خالد وأبيه، انظر مجمع الزوائد: ٢٩٢/٢ وللحديث شواهد عند ابن حبان، ح: ٢٩٠٨ وغيره وهو بها حسن، وانظر الترغيب والترهيب: ٤/٢٨٣.

Chapter (...) If A Man Used To Do A Righteous Deed Then Is Interrupted By Sickness Or Travel

3091. It was narrated that Abū Mūsā said: “I heard the Prophet ﷺ say on more than one or two occasions: ‘If a person used to do a righteous deed, then he is distracted from it by sickness or travel, there will be (a reward) recorded for him like that for what he used to do when he was healthy or not traveling.’” (*Ṣaḥīḥ*)

(المعجم ...) بَابُ: إِذَا كَانَ الرَّجُلُ يَعْمَلُ عَمَلًا صَالِحًا فَشَغَلَهُ عَنْهُ مَرَضٌ أَوْ سَفَرٌ

(التحفة ٢)

٣٠٩١ - حَدَّثَنَا مُحَمَّدُ بْنُ عِيْسَى وَمُسَدَّدٌ، الْمَعْنَى، قَالَ: حَدَّثَنَا هُشَيْمٌ عَنْ الْعَوَّامِ بْنِ حَوْشَبٍ، عَنْ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ السَّكْسَكِيِّ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِي مُوسَى قَالَ: سَمِعْتُ النَّبِيَّ ﷺ غَيْرَ مَرَّةٍ وَلَا مَرَّتَيْنِ يَقُولُ: «إِذَا كَانَ الْعَبْدُ يَعْمَلُ عَمَلًا صَالِحًا فَشَغَلَهُ عَنْهُ مَرَضٌ أَوْ سَفَرٌ كُتِبَ لَهُ كَصَالِحٍ مَا كَانَ يَعْمَلُ وَهُوَ صَحِيحٌ مُقِيمٌ».

تخريج: أخرجه البخاري، الجهاد والسير، باب: يكتب للمسافر مثل ما كان يعمل في الإقامة، ح: ٢٩٩٦ من حديث العوام بن حوشب به.

Chapter (...) Visiting Sick Women

3092. It was narrated that Umm Al-‘Alā’ said: “The Messenger of Allāh ﷺ visited me when I was sick, and said: ‘Be of good cheer, O Umm Al-‘Alā’, for when a Muslim falls sick, Allāh takes away his sins as the fire takes away the dross of gold and silver.’” (*Ḥasan*)

(المعجم ...) بَابُ عِيَادَةِ النِّسَاءِ (التحفة ٣)

٣٠٩٢ - حَدَّثَنَا سَهْلُ بْنُ بَكَّارٍ عَنْ أَبِي عَوَّانَةَ، عَنْ عَبْدِ الْمَلِكِ بْنِ عُمَيْرٍ، عَنْ أُمِّ الْعَلَاءِ قَالَتْ: عَادَنِي رَسُولُ اللَّهِ ﷺ وَأَنَا مَرِيضَةٌ فَقَالَ: «أُبَشِّرِي يَا أُمَّ الْعَلَاءِ؛ فَإِنَّ مَرَضَ الْمُسْلِمِ يُذْهِبُ اللَّهُ بِهِ خَطَايَاهُ كَمَا تُذْهِبُ النَّارُ خَبَثَ الذَّهَبِ وَالْفِصَّةَ».

تخريج: [حسن] أخرجه عبد بن حميد، ح: ١٥٩٤ من حديث أبي عوانة به، وللحديث طرق عند الهيثمي في المعجم: ٣٠٧/٢ وغيره.

3093. It was narrated that ‘Āishah said: “I said: ‘O Messenger of Allāh, I know the severest Verse in the Book of Allāh, the Mighty and Sublime.’ He said: ‘Which Verse is that, O ‘Āishah?’” She said: The Verse in which He says: Whosoever does evil deeds, he will have the recompense thereof.’^[1] He said: ‘Do you not know, O ‘Āishah, that if a Muslim is afflicted with a calamity or a thorn, that will expiate the worst of his deeds, for the one who is called to account will be punished?’ She said: ‘Does not Allāh say: He surely, will receive an easy reckoning?’^[2] He said: ‘That is the presentation (of his deeds), O ‘Āishah; if a person’s deeds are put to account, he will be punished.” (Hasan)

٣٠٩٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى؛
ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا عُثْمَانُ
ابن عُمَرَ - قَالَ أَبُو دَاوُدَ وَهَذَا لَفْظُهُ - عَنْ
أَبِي عَامِرٍ الْخَزَّازِ، عَنْ ابْنِ أَبِي مُلَيْكَةَ، عَنْ
عَائِشَةَ قَالَتْ: قُلْتُ: يَا رَسُولَ اللَّهِ! إِنِّي لَأَعْلَمُ
أَشَدَّ آيَةٍ فِي كِتَابِ اللَّهِ عَزَّوَجَلَّ قَالَ: «أَيُّهُ آيَةُ
يَا عَائِشَةُ؟» قَالَتْ: قَوْلُ اللَّهِ تَعَالَى: ﴿مَنْ
يَعْمَلْ سَوْيَا يُجْزَ بِهِ﴾ [النساء: ١٢٣] قَالَ:
«أَمَا عَلِمْتَ يَا عَائِشَةُ! أَنَّ الْمُسْلِمَ تُصِيبُهُ
النَّكْبَةُ أَوْ الشُّوْكََةُ فَيَكْفَى بِأَسْوَأِ عَمَلِهِ وَمَنْ
حُوسِبَ عَذَّبَ»، قَالَتْ: أَلَيْسَ يَقُولُ اللَّهُ
﴿فَسَوْفَ يُحَاسَبُ حِسَابًا يَسِيرًا﴾ [الانشقاق: ٨]
قَالَ: «ذَاكُمُ الْعَرَضُ يَا عَائِشَةُ؛ مَنْ نُوقِشَ
الْحِسَابَ عَذَّبَ».

قَالَ أَبُو دَاوُدَ: وَهَذَا لَفْظُ ابْنِ بَشَّارٍ قَالَ:
أَخْبَرَنَا ابْنُ أَبِي مُلَيْكَةَ.

تخريج: [إسناده حسن] * أبو عامر الخزاز: حسن الحديث وأصله متفق عليه باختصار:
البخاري، ح: ٤٩٣٩ ومسلم، ح: ٢٨٧٦.

Comments:

Besides this, other *Aḥādīth* also confirm the fact that not only the pains, trials and sicknesses suffered in this world, but also the agony of death, the punishment of the grave and the trying conditions on the Day of Judgment shall, for some believers, be the cause of the atonement of their sins, while for others they shall become the source of the raising of their ranks in the Hereafter. As a result, a party of the believers shall emerge absolutely cleansed of all their sins and enter Paradise.

Chapter (...) Visiting The Sick

(المعجم ...) بَابُ: فِي الْعِيَادَةِ (التحفة ٤)

3094. It was narrated that Usāmah

٣٠٩٤ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بن يَحْيَى:

^[1] *An-Nisā'* 4:123.

^[2] *Al-Inshiqaq* 84:8.

bin Zaid said: "The Messenger of Allāh ﷺ set out to visit 'Abdullāh bin Ubayy during his final illness. When he entered upon him, he realized that he was dying. He said: 'I forbade you to love the Jews.' He said: 'As'ad bin Zurārah hated them, but what (good did it do him)?" When he died, his son came and said: 'O Prophet of Allāh, 'Abdullāh bin Ubayy has died; give me your *Qamīṣ* so that I may shroud him in it. The Messenger of Allāh ﷺ took off his *Qamīṣ* and gave it to him." (*Da'īf*)

حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنِ الزُّهْرِيِّ، عَنْ عُرْوَةَ، عَنْ أُسَامَةَ بْنِ زَيْدٍ قَالَ: خَرَجَ رَسُولُ اللَّهِ ﷺ يَعُودُ عَبْدَ اللَّهِ بْنِ أَبِي فِي مَرَضِهِ الَّذِي مَاتَ فِيهِ فَلَمَّا دَخَلَ عَلَيْهِ عَرَفَ فِيهِ الْمَوْتَ. قَالَ: «قَدْ كُنْتُ أَنْهَاكَ عَنْ حُبِّ يَهُودَ». قَالَ: فَقَدْ أَبْغَضَهُمْ أَسْعَدُ بْنُ زُرَّارَةَ فَمَهْ؟ فَلَمَّا مَاتَ، أَتَاهُ ابْنُهُ فَقَالَ: يَا نَبِيَّ اللَّهِ: إِنَّ عَبْدَ اللَّهِ بْنَ أَبِي قَدْ مَاتَ، فَأَعْطِنِي قَمِيصَكَ أَكْفِنُهُ فِيهِ، فَتَرَعَ رَسُولُ اللَّهِ ﷺ قَمِيصَهُ فَأَعْطَاهُ إِيَّاهُ.

تخريج: [إسناده ضعيف] أخرجه أحمد: ٢١٠/٥ من حديث محمد بن إسحاق به، وصححه الحاكم على شرط مسلم: ٣٤١/١ ووافقه الذهبي (!) * ابن إسحاق: عن نعن وفيه علة أخرى.

Chapter 2. Visiting A Sick *Dhimmi*

(المعجم ٢) بَابُ: فِي عِيَادَةِ الذَّمِّيِّ

(التحفة ٥)

3095. It was narrated from Anas that a Jewish boy fell sick and the Prophet ﷺ went to visit him. He sat by his head and said: "Accept Islam." He looked at his father, who was also by his head, and his father said to him: "Obey Abul-Qāsim." So he accepted Islam, and the Prophet ﷺ stood up saying: "Praise be to Allāh Who has saved him from the Fire." (*Ṣaḥīḥ*)

٣٠٩٥ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادٌ يَعْنِي ابْنَ زَيْدٍ عَنْ ثَابِتٍ، عَنْ أَنَسٍ: أَنَّ غُلَامًا مِنَ الْيَهُودِ كَانَ مَرِضًا فَأَتَاهُ النَّبِيُّ ﷺ يَعُودُهُ فَقَعَدَ عِنْدَ رَأْسِهِ، فَقَالَ لَهُ: «أَسْلِمَ»، فَتَنَظَرَ إِلَى أَبِيهِ وَهُوَ عِنْدَ رَأْسِهِ، فَقَالَ لَهُ أَبُوهُ: أَطِيعَ أَبَا الْقَاسِمِ، فَاسْلَمْ، فَقَامَ النَّبِيُّ ﷺ وَهُوَ يَقُولُ: «الْحَمْدُ لِلَّهِ الَّذِي أَنْقَذَهُ بِي مِنَ النَّارِ».

تخريج: أخرجه البخاري، المروزي، باب عيادة المشرك، ح: ٥٦٥٧ عن سليمان بن حرب به.

Comments:

Paying visits to the ill among the non-Muslims is permissible in Islam, provided the Muslim visiting fulfills the rights of the *Shari'ah* demanded of him.

Chapter (...) Going On Foot To Visit The Sick

3096. It was narrated that Jābir said: “The Prophet ﷺ used to visit me (when I was sick) and he did not ride a mule or a horse. (*Sahih*)

(المعجم ...) - بَابُ الْمَشْيِ فِي الْعِيَادَةِ

(التحفة ٦)

٣٠٩٦ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ، عَنْ مُحَمَّدِ بْنِ الْمُثَنَّى، عَنْ جَابِرٍ قَالَ: كَانَ النَّبِيُّ ﷺ يَعُودُنِي، لَيْسَ بِرَاكِبٍ بَعْلًا وَلَا بِرَدُونًا.

تخريج: أخرجه البخاري، المرضي، باب عيادة المريض راكبًا وماشيًا وردفًا على الحمار، ح: ٥٦٦٤ من حديث عبد الرحمن بن مهدي به وهو في مسند أحمد: ٣/٣٧٣.

Chapter 3. Virtue Of Visiting The Sick While In A State Of *Wudu'*

3097. It was narrated from Thābit Al-Bunānī from Anas bin Mālik, who said: “The Messenger of Allāh ﷺ said: ‘Whoever performs *Wudu'* and does it well, and visits his (sick) Muslim brother, seeking reward, he will be removed from Hell a distance of seventy *Kharīfs* travel.’” I (Thābit) said: “O Abū Hamzah! What is *Kharīf*?” He said: “A year.”^[1] (*Da'if*)

Abū Dāwud said: And that those from Al-Baṣrah are alone in narrating for it is “visiting the sick while in a state of *Wudu'*”.

(المعجم ٣) بَابُ: فِي فَضْلِ الْعِيَادَةِ

عَلَى وَضُوءٍ (التحفة ٧)

٣٠٩٧ - حَدَّثَنَا مُحَمَّدُ بْنُ عَوْفٍ الطَّائِي: حَدَّثَنَا الرَّبِيعُ بْنُ رَوْحٍ بْنِ خُلَيْدٍ: حَدَّثَنَا مُحَمَّدُ بْنُ خَالِدٍ قَالَ: حَدَّثَنَا الْفَضْلُ بْنُ دَلْهَمٍ الْوَاسِطِيُّ عَنْ ثَابِتِ الْبُنَانِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ تَوَضَّأَ فَأَحْسَنَ الْوُضُوءَ وَعَادَ أَخَاهُ الْمُسْلِمَ مُحْتَسِبًا، بُوْعِدَ مِنْ جَهَنَّمَ مَسِيرَةَ سَبْعِينَ خَرِيفًا». قُلْتُ: يَا أَبَا حَمَزَةَ؛ وَمَا الْخَرِيفُ؟ قَالَ: الْعَامُ. قَالَ أَبُو دَاوُدَ: وَالَّذِي تَقَرَّدَ بِهِ الْبَصَرِيُّونَ مِنْهُ: الْعِيَادَةُ وَهُوَ مُتَوَضِّئٌ.

تخريج: [إسناده ضعيف] * الفضل بن دلهم: لين (تقريب) ضعفه الجمهور ولم يثبت توثيقه عن وكيع رحمه الله.

Comments:

Although technically classified as *Mawquf*, the narration is correct. The next *Hadīth* of the same meaning is *Marfū'*.

^[1] *Kharīf* refers to an autumn, and Abū Hamzah is Anas, and he explained that the meaning of seventy autumns here is seventy years.

3098. It was narrated from ‘Abdullāh bin Nāfi‘, from ‘Alī who said: There is no man who visits a sick person in the evening but seventy thousand angels go out with him, praying for forgiveness for him until morning, and he will have a garden in Paradise. And whoever visits him (the sick person) in the morning, seventy thousand angels go out with him, praying for forgiveness for him until evening, and he will have a garden in Paradise. (*Hasan*)

٣٠٩٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا شُعْبَةُ عَنْ الْحَكَمِ، عَنْ عَبْدِ اللَّهِ بْنِ نَافِعٍ عَنْ عَلِيٍّ قَالَ: مَا مِنْ رَجُلٍ يَعُودُ مَرِيضًا مُمَسِيًّا إِلَّا خَرَجَ مَعَهُ سَبْعُونَ أَلْفَ مَلَكٍ يَسْتَغْفِرُونَ لَهُ حَتَّى يُصْبِحَ، وَكَانَ لَهُ خَرِيفٌ فِي الْجَنَّةِ وَمَنْ أَتَاهُ مُصْبِحًا خَرَجَ مَعَهُ سَبْعُونَ أَلْفَ مَلَكٍ يَسْتَغْفِرُونَ لَهُ حَتَّى يُمَسِيَ، وَكَانَ لَهُ خَرِيفٌ فِي الْجَنَّةِ.

تخریج: [حسن] أخرجه أحمد: ١٢١/١ من حديث شعبة به، وسنده ضعيف وللحديث شواهد عند ابن حبان (موارد) ح: ٧١٠ وغيره وهو بها حسن.

3099. A similar report (as no. 3098) was narrated from ‘Alī, from the Prophet ﷺ, but he did not mention the garden. (*Hasan*)

٣٠٩٩ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا أَبُو مُعَاوِيَةَ قَالَ: حَدَّثَنَا الْأَعْمَشُ عَنْ الْحَكَمِ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى، عَنْ عَلِيٍّ عَنِ النَّبِيِّ ﷺ بِمَعْنَاهُ، وَلَمْ يَذْكُرِ الْخَرِيفَ. قَالَ أَبُو دَاوُدَ: رَوَاهُ مُنْصَوِّرٌ عَنِ الْحَكَمِ كَمَا رَوَاهُ شُعْبَةُ.

تخریج: [حسن] انظر الحديث السابق وأخرجه ابن ماجه، الجنايز، باب ما جاء في ثواب من عاد مريضاً، ح: ١٤٤٢ عن عثمان بن أبي شيبة به، وصححه الحاكم على شرط الشيخين: ١/٣٤٩ ووافقه الذهبي.

3100. It was narrated that Abū Ja‘far ‘Abdullāh bin Nāfi‘ — and Nāfi‘ was the slave of Al-Hasan bin ‘Alī — said: “Abū Mūsā came to Al-Hasan bin ‘Alī to visit him (when he was sick). (*Hasan*) Abū Dāwud said: And he quoted a *Hadīth* like that of Shu‘bah.^[1]

٣١٠٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَ: أَخْبَرَنَا جَرِيرٌ عَنْ مُنْصَوِّرٍ، عَنِ الْحَكَمِ، عَنْ أَبِي جَعْفَرٍ عَبْدِ اللَّهِ بْنِ نَافِعٍ، قَالَ: وَكَانَ نَافِعٌ غُلَامَ الْحَسَنِ بْنِ عَلِيٍّ قَالَ: جَاءَ أَبُو مُوسَى إِلَى الْحَسَنِ بْنِ عَلِيٍّ يَعُودُهُ.

[1] That is, no. 3098.

Abū Dāwud said: This has been reported from ‘Alī, from the Prophet, through other *Ṣaḥīḥ* routes of transmission.

قَالَ أَبُو دَاوُدَ: وَسَقَى مَعْنَى حَدِيثِ شُعْبَةَ.
قَالَ أَبُو دَاوُدَ: أُسْنِدَ هَذَا عَنْ عَلِيٍّ عَنِ
النَّبِيِّ ﷺ مِنْ غَيْرِ وَجْهِ صَحِيحٍ.
تَخْرِيجُ: [حَسَن] انْظُرِ الْحَدِيثَيْنِ السَّابِقَيْنِ.

Chapter 4. Repeated Visits (To A Sick Person)

(المعجم ٤) بَابُ: فِي الْعِيَادَةِ مِرَارًا
(التحفة ٨)

3101. It was narrated that ‘Āishah said: “When Sa’d bin Mu‘ādh was injured on the Day of Al-Khandaq, a man shot him in the medial arm vein. The Messenger of Allāh ﷺ set up a tent for him in the *Masjid*, so that he could visit him from close by.” (*Ṣaḥīḥ*)

٣١٠١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ:
حَدَّثَنَا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ عَنْ هِشَامِ بْنِ عُرْوَةَ،
عَنْ أَبِيهِ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا أُصِيبَ سَعْدُ
ابْنُ مُعَاذٍ يَوْمَ الْخَنْدَقِ، رَمَاهُ رَجُلٌ فِي
الْأَكْحَلِ، فَضَرَبَ عَلَيْهِ رَسُولُ اللَّهِ ﷺ خِيَمَةً
فِي الْمَسْجِدِ لِيَعُودَهُ مِنْ قَرِيبٍ.

تَخْرِيجُ: أَخْرَجَهُ الْبُخَارِيُّ، الصَّلَاةُ، بَابُ الْخِيَمَةِ فِي الْمَسْجِدِ لِلْمَرْضَى وَغَيْرِهِمْ، ح: ٤٦٣ ومسلم، الجهاد والسير، باب جواز قتال من نقض العهد ... إلخ، ح: ١٧٦٩ من حديث ابن نمير به موطؤاً.

Comments:

Paying repeated visits to the sick is reflective of the Islamic characteristic of love and excellent behaviour.

Chapter 5. Visiting One Who Suffering From *Ramad*^[1]

(المعجم ٥) - بَابُ الْعِيَادَةِ مِنَ الرَّمَدِ
(التحفة ٩)

3102. It was narrated that Zaid bin Arqam said: “The Messenger of Allāh ﷺ visited me when I had a pain in my eye.” (*Ṣaḥīḥ*)

٣١٠٢ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الثَّقَلِيُّ:
حَدَّثَنَا حَجَّاجُ بْنُ مُحَمَّدٍ عَنْ يُونُسَ بْنِ أَبِي
إِسْحَاقَ، عَنْ أَبِيهِ، عَنْ زَيْدِ بْنِ أَرْقَمَ قَالَ:
عَادَنِي رَسُولُ اللَّهِ ﷺ مِنْ وَجَعٍ كَانَ بَعْثَنِي.

تَخْرِيجُ: [صَحِيح] أَخْرَجَهُ أَحْمَدُ: ٣٧٥/٤ عَنْ حَجَّاجِ بْنِ مُحَمَّدٍ بِهِ وَصَحَّحَهُ الْحَاكِمُ عَلَى شَرْطِ الشَّيْخَيْنِ: ٣٤٢/١ وَوَافَقَهُ الذَّهَبِيُّ وَلِلْحَدِيثِ شَوَاهِدُ * أَبُو إِسْحَاقَ السَّبْعِيُّ صَرَحَ بِالسَّمَاعِ عِنْدَ الْبُخَارِيِّ فِي الْأَدَبِ الْمَفْرُودِ، ح: ٥٣٢.

[1] A sort of inflammation of the eyes; ophthalmia.

Comments:

Paying a visit to someone not suffering from a serious disease is also a good gesture.

Chapter 6. Fleeing From The Plague

3103. It was narrated that ‘Abdullāh bin ‘Abbās said: “‘Abdur-Rahmān bin ‘Awf said: “I heard the Messenger of Allāh ﷺ say: If you hear of it (the plague) in a land, do not go there, and if it occurs in a land where you are, do not depart, fleeing from it. (*Ṣaḥīḥ*)

(المعجم ٦) - بَابُ الْخُرُوجِ مِنَ الطَّاعُونِ
(التحفة ١٠)

٣١٠٣ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ
ابْنِ شِهَابٍ، عَنْ عَبْدِ الْحَمِيدِ بْنِ
عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ الْحَطَّابِ، عَنْ عَبْدِ
اللهِ بْنِ عَبْدِ اللهِ بْنِ الْحَارِثِ بْنِ تَوْفَلٍ، عَنْ
عَبْدِ اللهِ بْنِ عَبَّاسٍ قَالَ: قَالَ عَبْدُ الرَّحْمَنِ
ابْنُ عَوْفٍ: سَمِعْتُ رَسُولَ اللهِ ﷺ يَقُولُ:
«إِذَا سَمِعْتُمْ بِهِ بِأَرْضٍ فَلَا تَقْدُمُوا عَلَيْهِ وَإِذَا
وَقَعَ بِأَرْضٍ وَأَنْتُمْ بِهَا فَلَا تَخْرُجُوا، فِرَارًا
مِنْهُ» [قَالَ أَبُو دَاوُدَ:] يَعْنِي الطَّاعُونَ.

تخريج: أخرجه البخاري، الطب، باب ما يذكر في الطاعون، ح: ٥٧٢٩ ومسلم، السلام، باب الطاعون والطيرة والكهانة ونحوها، ح: ٢٢١٩ من حديث مالك به وهو في الموطأ (يحيى): ٢/٨٩٤-٨٩٦ وهذا مختصر منه.

Chapter 7. Supplicating For The Sick Person To Be Cured When Visiting Him

3104. It was narrated from ‘Aishah bint Sa’d that her father said: “I fell sick in Makkah and the Messenger of Allāh ﷺ came to visit me. He put his hand on my forehead, then he wiped my chest and stomach, then he said: ‘O Allāh, cure Sa’d and enable him to complete his emigration.’” (*Ṣaḥīḥ*)

(المعجم ٧) - بَابُ الدُّعَاءِ لِلْمَرِيضِ
بِالشِّفَاءِ عِنْدَ الْعِيَادَةِ (التحفة ١١)

٣١٠٤ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللهِ:
حَدَّثَنَا مَكِّيُّ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا الْجُعَيْدُ عَنْ
عَائِشَةَ بِنْتِ سَعْدٍ أَنَّ أَبَاهَا قَالَ: اسْتَكَيْتُ
بِمَكَّةَ فَجَاءَنِي رَسُولُ اللهِ ﷺ يَعُودُنِي وَوَضَعَ
يَدَهُ عَلَى جَبْهَتِي ثُمَّ مَسَحَ صَدْرِي وَبَطْنِي، ثُمَّ
قَالَ: «اللَّهُمَّ! اشْفِ سَعْدًا وَأَتِمِّمْ لَهُ
هِجْرَتَهُ».

تخريج: أخرجه البخاري، المرضى، باب وضع اليد على المريض، ح: ٥٦٥٩ عن مكّي بن إبراهيم به.

Comments:

While visiting a sick person, we should try to give him as much comfort as possible, as well as supplicating to Allāh to grant him a speedy recovery.

3105. It was narrated that Abū Mūsā Al-Ash‘arī said: “The Messenger of Allāh ﷺ said: ‘Feed the hungry, visit the sick and free the *‘Ānī* (captive).’” Sufyān (one of the narrators) said: “The *‘Ānī* means the captive.” (*Sahīh*)

٣١٠٥ - حَدَّثَنَا ابْنُ كَثِيرٍ قَالَ: أَخْبَرَنَا سُفْيَانُ عَنْ مَنْصُورٍ، عَنْ أَبِي وَائِلٍ، عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَطْعِمُوا الْجَائِعَ وَعَوِّدُوا الْمَرِيضَ وَفُكُّوا الْعَانِي».

قَالَ سُفْيَانُ: وَالْعَانِي: الْأَسِيرُ.

تخريج: أخرجه البخاري، الأئمة، باب قول الله تعالى: ﴿كُلُوا مِنْ طَيِّبَاتِ مَا رَزَقْنَاكُمْ﴾، ح: ٥٣٧٣ عن محمد بن كثير العبدى به.

Chapter 8. Supplicating For The Sick Person When Visiting Him

(المعجم ٨) - بَابُ الدُّعَاءِ لِلْمَرِيضِ عِنْدَ الْعِيَادَةِ (التحفة ١٢)

3106. It was narrated from Ibn ‘Abbās that the Prophet ﷺ said: “Whoever visits a sick person whose time of death has not come, and says in his presence, seven times *‘As’alullāhal-‘Azīm, rabbal-‘arshil-‘azīmi an yashfikā* (I ask Allāh the Magnificent, Lord of the Magnificent Throne, to cure you) Allāh will heal him of that sickness.” (*Sahīh*)

٣١٠٦ - حَدَّثَنَا الرَّبِيعُ بْنُ يَحْيَى: حَدَّثَنَا شُعْبَةُ: حَدَّثَنَا يَزِيدُ أَبُو خَالِدٍ عَنِ الْمُنْهَالِ بْنِ عَمْرٍو، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ ﷺ قَالَ: «مَنْ عَادَ مَرِيضًا لَمْ يَحْضُرْ أَجَلُهُ فَقَالَ عِنْدَهُ سَبْعَ مَرَارٍ: أَسْأَلُ اللَّهَ الْعَظِيمَ رَبَّ الْعَرْشِ الْعَظِيمِ أَنْ يَشْفِيكَ، إِلَّا عَافَاكَ اللَّهُ مِنْ ذَلِكَ الْمَرَضِ».

تخريج: [صحيح] أخرجه الترمذي، الطب، باب ما يقول عند عيادة المريض، ح: ٢٠٨٣ من حديث شعبة به وقال: "حسن غريب" وصححه ابن حبان، ح: ٧١٤ والحاكم: ٣٤٢/١، ٣٤٣، ٢١٣/٤ ووافقه الذهبي * يزيد أبو خالد صرح بالسماع وتابعه عبد ربه بن سعيد وغيره.

3107. It was narrated that Ibn ‘Amr said: “The Prophet ﷺ said: ‘When a man comes to visit a sick person, let him say: *Allāhumma shfi ‘abdaka, yanka’u laka ‘aduwwan, aw yamshī laka ilā janāzah* (O Allāh, cure Your slave so that he might

٣١٠٧ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ الرَّمْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ حَمِيٍّ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِي عَبْدِ الرَّحْمَنِ الْجُبَلِيِّ، عَنْ ابْنِ عَمْرٍو قَالَ: قَالَ النَّبِيُّ ﷺ: «إِذَا جَاءَ الرَّجُلُ يَعُودُ مَرِيضًا فَلْيَقُلْ: اللَّهُمَّ اشْفِ عَبْدَكَ، يَنْكَأْ لَكَ

wreak havoc on an enemy for Your sake, or follow a *Janāzah* for Your sake.” (*Ḥasan*)

Abū Dāwud said: Ibn As-Sarḥ (one of the narrators) said: “*Ilaṣ-ṣalāt* (To the *Salāt*).”^[1]

عَدُوًّا أَوْ يَمْشِي لَكَ إِلَى جَنَازَةٍ.

قَالَ أَبُو دَاوُدَ: وَقَالَ ابْنُ السَّرْحِ: إِلَى صَلَاةٍ.

تخريج: [إسناده حسن] أخرجه أحمد: ١٧٢/٢ من حديث حيي بن عبد الله به وصححه ابن حبان، ح: ٧١٥ والحاكم: ٣٤٤/١، ٥٤٩ ووافقه الذهبي.

Chapter 9. It Is Disliked To Wish For Death

(المعجم ٩) - بَابُ كَرَاهِيَةِ تَمَنِّي الْمَوْتِ
(التحفة ١٣)

3108. It was narrated that Anas bin Mālik said: “The Messenger of Allāh ﷺ said: ‘None of you should pray for death because of some harm that has befallen him. Rather let him say: “*Allāhumma ahyinī mā kānatil-ḥayātu khairanlī, wa tawaffanī idha kānatil-wafātu khairanlī* (O Allāh, give me life so long as living is good for me, and cause me to die when dying is good for me).” (*Ṣaḥīḥ*)

٣١٠٨ - حَدَّثَنَا يَشْرُ بْنُ هِلَالٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ عَبْدِ الْعَزِيزِ بْنِ صُهَيْبٍ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا يَدْعُوَنَّ أَحَدُكُمْ بِالْمَوْتِ لِضُرِّ نَزَلَ بِهِ، وَلَكِنْ لِيَقُلْ: اللَّهُمَّ أَحْيِنِي مَا كَانَتِ الْحَيَاةُ خَيْرًا لِي، وَتَوَفَّنِي إِذَا كَانَتِ الْوَفَاةُ خَيْرًا لِي».

تخريج: [إسناده صحيح] أخرجه ابن ماجه، الزهد، باب ذكر الموت والاستعداد له، ح: ٤٢٦٥ من حديث عبدالوارث بن سعيد، البخاري، ح: ٦٣٥١ ومسلم، ح: ٢٦٨٠ من حديث عبدالعزيز بن صهيب به.

3109. It was narrated from Anas bin Mālik that the Prophet ﷺ said: “None of you should wish for death,” and he narrated a similar report (as no. 3008). (*Ṣaḥīḥ*)

٣١٠٩ - حَدَّثَنَا مُحَمَّدُ بْنُ بَشَّارٍ: حَدَّثَنَا أَبُو دَاوُدَ يَعْنِي الطَّبَالِسِيَّ: حَدَّثَنَا شُعْبَةُ عَنْ قَتَادَةَ، عَنْ أَنَسِ بْنِ مَالِكٍ أَنَّ النَّبِيَّ ﷺ قَالَ: «لَا يَتَمَنَّيَنَّ أَحَدُكُمْ الْمَوْتَ» فَذَكَرَ مِثْلَهُ.

تخريج: [إسناده صحيح] أخرجه النسائي في عمل اليوم والليلة، ح: ١٠٦٠ من حديث أبي داود الطيالسي به وهو في مسند الطيالسي، ح: ٢٠٠٣ باختلاف يسير.

^[1] Meaning, to the *Ṣalāt* instead of following the *Janāzah*.

Chapter 10. Sudden Death

(المعجم ١٠) بَابُ: فِي مَوْتِ الْفَجَاءَةِ

(التحفة ١٤)

3110. It was narrated that ‘Ubad bin Khālīd As-Sulamī, one of the Companions of the Prophet ﷺ, said that the Prophet ﷺ said: “Sudden death is a seizing by (divine) wrath.” (*Ṣaḥīḥ*)

٣١١٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ شُعْبَةَ، عَنْ مَنْصُورٍ، عَنْ تَمِيمِ بْنِ سَلَمَةَ، أَوْ سَعْدِ بْنِ عُيَيْدَةَ، عَنْ عُيَيْدِ بْنِ خَالِدِ السُّلَمِيِّ - رَجُلٍ مِنْ أَصْحَابِ النَّبِيِّ ﷺ - قَالَ مَرَّةً: عَنْ النَّبِيِّ ﷺ، ثُمَّ قَالَ مَرَّةً: عَنْ عُيَيْدِ قَالَ: «مَوْتُ الْفَجَاءَةِ أَخَذَهُ أَصْفٌ».

تخريج: [إسناده صحيح] وأخرجه أحمد: ٤٢٤/٣ عن يحيى القطان به.

Comments:

If a man falls ill and slowly and gradually proceeds towards death, he has a chance to make amends and repent. A sudden death, however, eliminates all such possibility.

Chapter 11. The Virtue Of One Who Dies Of The Plague

(المعجم ١١) بَابُ: فِي فَضْلِ مَنْ مَاتَ

بِالطَّاعُونَ (التحفة ١٥)

3111. Jābir bin ‘Atīk narrated that the Messenger of Allāh ﷺ came to visit ‘Abdullāh bin Thābit, and found him unconscious. The Messenger of Allāh ﷺ called loudly to him, and he did not respond, so the Messenger of Allāh ﷺ said “*Innā Lillāhi wa innā ilaihi rāji‘ūn* (Verily, to Allāh we belong and unto Him is our return),” and he said: “The Divine Decree has overpowered us concerning you, O Abū Ar-Rabī’.” The women screamed and wept, and Ibn ‘Atīk started telling them to be quiet, but the Messenger of Allāh ﷺ said: “Let them be, for when he falls, no woman should weep.” They said: “What does falling mean, O Messenger of Allāh?” He said:

٣١١١ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ جَابِرِ بْنِ عَتِيكٍ، عَنْ عَتِيكِ بْنِ الْحَارِثِ بْنِ عَتِيكٍ - وَهُوَ جَدُّ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ، أَبُو أُمِّهِ - أَنَّهُ أَخْبَرَهُ أَنَّ عَمَّهُ جَابِرَ بْنَ عَتِيكٍ أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ جَاءَ يُعَوِّدُ عَبْدَ اللَّهِ بْنَ ثَابِتٍ فَوَجَدَهُ قَدْ غَلَبَ، فَصَاحَ بِهِ رَسُولُ اللَّهِ ﷺ، فَلَمْ يُجِبْهُ، فَاسْتَرْجَعَ رَسُولُ اللَّهِ ﷺ وَقَالَ: «غَلَبْنَا عَلَيْكَ يَا أَبَا الرَّبِيعِ!» فَصَاحَ السَّمُوءُ وَبَكَيْنَ، فَجَعَلَ ابْنُ عَتِيكٍ يُسَكِّتُهُنَّ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «دَعْنَهُنَّ فَإِذَا وَجَبَ فَلَا تَبْكِينَ بَاكِئَةً». قَالُوا: وَمَا الْوُجُوبُ يَا رَسُولَ اللَّهِ؟ قَالَ: «الْمَوْتُ». قَالَتِ ابْنَتُهُ: وَالله! إِنْ كُنْتُ لَأَرْجُو أَنْ تَكُونَ

“Death.” His daughter said: “By Allāh, we were hoping that you would be a martyr, for you had just finished making preparations (for *Jihād*). The Messenger of Allāh ﷺ said: “Allāh, the Mighty and Sublime, will give him his reward according to his intention. What do you regard as martyrdom?” They said: “Being killed in the cause of Allāh.” The Messenger of Allāh ﷺ said: “Martyrdom is seven things, besides being killed in the cause of Allāh. The one who dies of the plague is a martyr, the one who drowns is a martyr, the one who dies of pleurisy is a martyr, the one who dies of a stomach ailment is a martyr, the one who is burned to death is a martyr, the one who dies beneath a collapsed building is a martyr, and the woman who dies in pregnancy is a martyr.” (*Hasan*)

شَهِيدًا فَإِنَّكَ قَدْ كُنْتَ قَضَيْتَ جِهَارَكَ، قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ اللَّهَ عَزَّوَجَلَّ قَدْ أَوْفَعَ أَجْرَهُ عَلَى قَدْرِ نِيَّتِهِ، وَمَا تَعُدُّونَ الشَّهَادَةَ؟» قَالُوا: الْقَتْلُ فِي سَبِيلِ اللَّهِ. قَالَ رَسُولُ اللَّهِ ﷺ: «الشَّهَادَةُ سَبْعٌ سِوَى الْقَتْلِ فِي سَبِيلِ اللَّهِ: الْمَطْعُونُ شَهِيدٌ، وَالْغَرَقُ شَهِيدٌ، وَصَاحِبُ ذَاتِ الْجَنْبِ شَهِيدٌ، وَالْمَبْطُونُ شَهِيدٌ، وَصَاحِبُ الْحَرِيقِ شَهِيدٌ، وَالَّذِي يَمُوتُ تَحْتَ الْهَدْمِ شَهِيدٌ، وَالْمَرَأَةُ تَمُوتُ بِجُمْعٍ شَهِيدٌ».

[قَالَ أَبُو دَاوُدَ: الْجُمُعُ: أَنْ يَكُونَ وَلَذَهَا مَعَهَا]

تخريج: [إسناده حسن] وأخرجه ابن ماجه، الجهاد، باب ما يرجى فيه الشهادة، ح: ٢٨٠٣ من حديث عبدالله بن عبدالله والنسائي، ح: ١٨٤٧ من حديث مالك به وهو في الموطأ (يحيى): ١/٢٣٣، ٢٣٤ وصححه ابن حبان، ح: ١٦١٦ والحاكم: ١/٣٥٢، ٣٥٣ ووافقه الذهبي.

Chapter 11, 12. Clipping The Nails And Shaving The Pubes Of A Sick Person

3112. It was narrated that Abū Hurairah said: “Banū Al-Ḥārith bin ‘Āmir bin Nawfal bought Khubaib, and Khubaib was the one who had killed Al-Ḥārith bin ‘Āmir on the Day of Badr. Khubaib stayed with them as a prisoner, until they decided to kill him. He asked to borrow a razor from the daughter

(المعجم ١١، ١٢) - بَابُ الْمَرِيضِ يُؤْخَذُ مِنْ أَظْفَارِهِ وَعَانَتِهِ (التحفة ١٦)

٣١١٢ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا إِبْرَاهِيمُ بْنُ سَعْدٍ: أَخْبَرَنَا ابْنُ شِهَابٍ: أَخْبَرَنِي عُمَرُ بْنُ جَارِيَةَ الثَّقَفِيُّ حَلِيفُ بَنِي زُهْرَةَ، وَكَانَ مِنْ أَصْحَابِ أَبِي هُرَيْرَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: ابْتَاعَ بَنُو الْحَارِثِ بْنِ عَامِرٍ بْنِ تَوْفَلٍ حُبَيْبًا، وَكَانَ حُبَيْبٌ هُوَ قَتَلَ الْحَارِثَ

of Al-Hārith with which to shave his pubes, and she lent it to him. A small child of hers crawled away when she was not looking and went to him, and she found him alone with the child on his lap, and the razor in his hand. She panicked and he noticed that, and said: 'Are you afraid that I will kill him? I would not do that.'" (*Ṣaḥīḥ*)

Abū Dāwud said: This story was narrated by Shu'aib bin Abī Ḥamzah from Az-Zuhrī who said: "‘Ubaidullāh bin ‘Iyād informed me that the daughter of Al-Hārith informed him that when they agreed to kill him, he asked to borrow a razor from her, with which to shave his pubes, and she lent it to him."

ابْنُ عَامِرٍ يَوْمَ بَدْرٍ، فَلَبِثْتُ خُبَيْبٌ عِنْدَهُمْ أُسِيرًا حَتَّى أَجْمَعُوا لِقَتْلِهِ، فَاسْتَعَارَ مِنْ ابْنَةِ الْحَارِثِ مُوسَى يَسْتَحِدُّ بِهَا، فَأَعَارَتْهُ، فَدَرَجَ بُنْيَ لَهَا وَهِيَ غَافِلَةٌ حَتَّى آتَتْهُ فَوَجَدَتْهُ مُخْلِيًا وَهُوَ عَلَى فَخِذِهِ وَالْمُوسَى بِيَدِهِ، فَفَزَعَتْ فَرَعَةً عَرَفَهَا فِيهَا، فَقَالَ: أَتَخْشِينَ أَنْ أَقْتُلَهُ، مَا كُنْتُ لِأَفْعَلَ ذَلِكَ.

قَالَ أَبُو دَاوُدَ: رَوَى هَذَا الْقِصَّةَ شُعَيْبُ بْنُ أَبِي حَمْزَةَ عَنِ الزُّهْرِيِّ قَالَ: أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ عِيَّاضٍ أَنَّ ابْنَةَ الْحَارِثِ أَخْبَرَتْهُ أَنَّهُمْ حِينَ [أَجْمَعُوا] يَعْنِي لِقَتْلِهِ، اسْتَعَارَ مِنْهَا مُوسَى يَسْتَحِدُّ بِهَا، فَأَعَارَتْهُ.

تخریج: أخرجه البخاري، المغازي، باب: ١٠ بعد باب فضل من شهد بدراً، ح: ٣٩٨٩ عن موسى بن إسماعيل به * حديث شعيب بن أبي حمزة عند البخاري، ح: ٣٠٤٥.

Chapter 12, 13. It Is Recommended To Think Positively Of Allāh At The Time Of Death

3113. It was narrated that Jābir bin ‘Abdullāh said: “I heard the Messenger of Allāh ﷺ say, three days before he died: ‘None of you should die but when he is thinking positively about Allāh.’” (*Ṣaḥīḥ*)

(المعجم ١٢، ١٣) - بَابُ مَا يُسْتَحَبُّ مِنْ حُسْنِ الظَّنِّ بِاللَّهِ عِنْدَ الْمَوْتِ (التحفة ١٧)

٣١١٣ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عِيسَى بْنُ يُونُسَ: حَدَّثَنَا الْأَعْمَشُ عَنْ أَبِي سُوَيْبَانَ، عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ قَبْلَ مَوْتِهِ بِثَلَاثَ، قَالَ: «لَا يَمُوتُ أَحَدُكُمْ إِلَّا وَهُوَ يُحْسِنُ الظَّنَّ بِاللَّهِ».

تخریج: أخرجه مسلم، الجنة وصفة نعيمها، باب الأمر بحسن الظن بالله تعالى عند الموت، ح: ٢٨٧٧ من حديث عيسى بن يونس به.

Comments:

We are not allowed to make comments about the final end of anyone, except in respect of what is proven, from the Qur'an and *Sunnah*.

Chapter 13, 14. It Is Recommended To Purify The Clothes Of The Dying Person At The Time Of Death

3114. It was narrated from Abū Salamah that when Abū Sa‘eed Al-Khudrī was dying, he called for new clothes and put them on, then he said: “I heard the Messenger of Allāh ﷺ say: ‘The deceased will be resurrected in the clothes in which he died.’” (*Hasan*)

تخريج: [إسناده حسن] أخرجه الحاكم: ٣٤٠/١ من حديث سعيد بن الحكم بن أبي مريم به وصححه ابن حبان، ح: ٢٥٧٥ والحاكم على شرط الشيخين ووافقه الذهبي.

Comments:

The hallmark of a believer is that he loves to remain clean and pure. Allāh too loves those who cleanse and purify themselves. It is, therefore, only appropriate that both the body and the dress of the Muslim in his last journey, leading up to his meeting with Allāh, are in their best state of cleanliness and purity.

Chapter 14, 15. What Should Be Said At The Time Of Death

3115. It was narrated that Umm Salamah said: The Messenger of Allāh ﷺ said: “If you are in the presence of one who is dying, say good words, for the angels say *Āmin* to whatever you say.” When Abū Salamah died, I said: “O Messenger of Allāh, what should I say?” He said: “Say: *‘Allāhummaghfirlahu, wa a‘qibnā ‘uqbā ṣāliḥah* (O Allāh, forgive him and compensate us with something good in return).” She said: “And

(المعجم ١٣، ١٤) - بَابُ مَا يُسْتَحَبُّ مِنْ تَطْهِيرِ ثِيَابِ الْمَيِّتِ عِنْدَ الْمَوْتِ
(التحفة ١٨)

٣١١٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا ابْنُ أَبِي مَرْيَمَ: أَخْبَرَنَا يَحْيَى بْنُ أَيُّوبَ عَنْ ابْنِ الْهَادِ، عَنْ مُحَمَّدِ بْنِ إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ، عَنْ أَبِي سَعِيدِ الْخُدْرِيِّ: أَنَّهُ لَمَّا حَضَرَهُ الْمَوْتُ دَعَا بِثِيَابٍ جَدِيدٍ فَلَبَسَهَا ثُمَّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِنَّ الْمَيِّتَ يُبْعَثُ فِي ثِيَابِهِ الَّتِي يَمُوتُ فِيهَا».

(المعجم ١٤، ١٥) - بَابُ مَا يُقَالُ عِنْدَ الْمَيِّتِ مِنَ الْكَلَامِ
(التحفة ١٩)

٣١١٥ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ عَنْ الْأَعْمَشِ، عَنْ أَبِي وَائِلٍ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا حَضَرْتُمُ الْمَيِّتَ فَقُولُوا خَيْرًا فَإِنَّ الْمَلَائِكَةَ يُؤْمِنُونَ عَلَى مَا تَقُولُونَ»، فَلَمَّا مَاتَ أَبُو سَلَمَةَ، قُلْتُ: يَا رَسُولَ اللَّهِ مَا أَقُولُ؟ قَالَ: «قُولِي: اللَّهُمَّ اغْفِرْ لَهُ وَاعْقِبْنَا عَقْبَى صَالِحَةٍ» قَالَتْ: فَأَعْقَبَنِي اللَّهُ تَعَالَى بِهِ مُحَمَّدًا ﷺ.

Allāh compensated me for him with Muḥammad ﷺ.” (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجنائز، باب ما يقال عند المريض والميت، ح: ٩١٩ من حديث الأعمش به.

Comments:

However high and mighty be a man's aspirations and dreams, he cannot even think of the standards Allāh has set to recompense His chosen servants.

Chapter 15, 16. Prompting The Dying Person

(المعجم ١٥، ١٦) بَابُ: فِي التَّلْقِينِ

(التحفة ٢٠)

3116. It was narrated that Mu‘ādh bin Jabal said: “The Messenger of Allāh ﷺ said: ‘The one whose last words are *Lā ilāha illallāh* will enter Paradise.’” (*Ḥasan*)

٣١١٦ - حَدَّثَنَا مَالِكُ بْنُ عَبْدِ الْوَاحِدِ الْمِصْمَعِيُّ: حَدَّثَنَا الضَّحَّاكُ بْنُ مَخْلَدٍ: حَدَّثَنَا عَبْدُ الْحَمِيدِ بْنُ جَعْفَرٍ قَالَ: حَدَّثَنِي صَالِحُ بْنُ أَبِي عَرِيبٍ عَنْ كَثِيرِ بْنِ مَرْثَةَ، عَنْ مُعَاذِ بْنِ جَبَلٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ كَانَ آخِرَ كَلَامِهِ لَا إِلَهَ إِلَّا اللَّهُ دَخَلَ الْجَنَّةَ».

تخريج: [إسناده حسن] أخرجه أحمد: ٢٤٧/٥ عن أبي عاصم الضحاك بن مخلد به، وصححه الحاكم: ٣٥١/١، ٥٠٠ ووافقه الذهبي وللحديث شواهد عند ابن حبان، ح: ٧١٩ وغيره.

3117. It was narrated that Abū Sa‘eed Al-Khudrī said: “The Messenger of Allāh ﷺ said: ‘Prompt your dying ones to say *Lā ilāha illallāh*.’” (*Ṣaḥīḥ*)

٣١١٧ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَشْرُ: حَدَّثَنَا عُمَارَةُ بْنُ غَزِيَّةَ: حَدَّثَنَا يَحْيَى بْنُ عُمَارَةَ قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَقِّنُوا مَوْتَاكُمْ قَوْلَ لَا إِلَهَ إِلَّا اللَّهُ».

تخريج: أخرجه مسلم، الجنائز، باب تلقين الموتى: لا إله إلا الله، ح: ٩١٦ من حديث بشر ابن المفضل به.

Comments:

The *Sunnah* of *Talqīn* (instruction or exhortation to utter) is to prompt the dying person to say *Lā ilāha illallāh*.

Chapter 16, 17. Closing the Eyes Of The Deceased

3118. It was narrated that Umm Salamah said: "The Messenger of Allāh ﷺ entered upon Abū Salamah and his eyes were fixed open, so he closed them. Some of his family cried aloud and he said: 'Do not supplicate, but only for good things, for the angels say *Āmīn* to whatever you say.' Then he said: '*Allāhummaghfir li abī Salamata warfa' darajatahu fil-mahdiyyīna, wākhluṣhu fī 'aqibihi fil-ghābirīna waghfirlana wa lahu. (Yā) Rabbal-ālamīn! Allāhumma! Iṣaḥ lahu fī qabrihi wa nawwir lahu fīh* (O Allāh, forgive Abū Salamah and raise him in status among those who are guided, and take care of his family who are left behind, and forgive him and us, O Lord of the worlds. O Allāh, make his grave spacious for him and fill it with light).'" (*Ṣaḥīḥ*)

Abū Dāwud said: Closing the eyes of the deceased is to be done after the soul departs. I heard Muḥammad bin Muḥammad bin An-Nu'mān Al-Muqri say: "I heard Abū Maisarah — a man who was devoted to worship — say: 'I closed the eyes of Ja'far Al-Mu'allim — who was a man devoted to worship — when he was dying, and I saw him in my dream the night he died, saying: "The hardest thing for me was that you closed my eyes before I died."'

(المعجم ١٦، ١٧) - بَابُ تَغْمِيزِ الْمَيِّتِ

(التحفة ٢١)

٣١١٨ - حَدَّثَنَا عَبْدُ الْمَلِكِ بْنُ حَبِيبٍ أَبُو مَرْوَانَ: حَدَّثَنَا أَبُو إِسْحَاقَ يَعْني الْفَزَارِيَّ عَنْ خَالِدٍ، عَنْ أَبِي قَلَابَةَ، عَنْ قَيْصَةَ بْنِ دُؤَيْبٍ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: دَخَلَ رَسُولُ اللَّهِ ﷺ عَلَى أَبِي سَلَمَةَ وَقَدْ شَقَّ بَصَرُهُ فَأَغْمَضَهُ، فَصَيَّحَ نَاسٌ مِنْ أَهْلِهِ فَقَالَ: «لَا تَدْعُوا عَلَى أَنْفُسِكُمْ إِلَّا بِخَيْرٍ، فَإِنَّ الْمَلَائِكَةَ يُؤْمِنُونَ عَلَى مَا تَقُولُونَ»، ثُمَّ قَالَ: «اللَّهُمَّ! اغْفِرْ لِأَبِي سَلَمَةَ وَارْفَعْ دَرَجَتَهُ فِي الْمَهْدِيِّينَ، وَاخْلُفْهُ فِي عَقِبِهِ فِي الْغَابِرِينَ وَاعْفِرْ لَنَا وَلَهُ، [يَا] رَبَّ الْعَالَمِينَ؛ اللَّهُمَّ؛ افْسَحْ لَهُ فِي قَبْرِهِ وَنَوِّرْ لَهُ فِيهِ».

قَالَ أَبُو دَاوُدَ: وَتَغْمِيزُ الْمَيِّتِ بَعْدَ خُرُوجِ الرُّوحِ؛ سَمِعْتُ مُحَمَّدَ بْنَ مُحَمَّدٍ بْنِ التُّعْمَانِ الْمُقْرِيَّ قَالَ: سَمِعْتُ أَبَا مَيْسَرَةَ - رَجُلًا عَابِدًا - يَقُولُ: غَمَضْتُ جَعْفَرًا الْمُعَلَّمَ - وَكَانَ رَجُلًا عَابِدًا - فِي حَالَةِ الْمَوْتِ، فَرَأَيْتُهُ فِي مَنَامِي لَيْلَةَ مَاتَ يَقُولُ: أَغْظُمُ مَا كَانَ عَلَيَّ تَغْمِيزُكَ لِي قَبْلَ أَنْ أَمُوتَ.

تخريج: أخرجه مسلم، الجنائز، باب: في إغماض الميت والدعاء له، إذا حضر، ح: ٩٢٠

من حديث أبي إسحاق الفزاري به * أثر جعفر المعلم: ضعيف، أبو ميسرة: مجهول الحال (تقريب).

Chapter 17,18. Saying *Inna Lillāhi Wa Inna Ilaihi Rāji'un* (Verily, To Allāh We Belong And Unto Him Is Our Return)

3119. It was narrated that Umm Salamah said: "The Messenger of Allāh ﷺ said: 'If one of you is afflicted with a calamity, let him say: *'Innā Lillāhi wa innā ilaihi rāji'un. Allāhumma! 'Indaka aḥtasibu muṣibatī fa'jurnī fihā wa abdīl lī bihā khairan-minha* (Verily to Allāh we belong and unto Him is our return; O Allāh, I seek reward for my calamity with You, so reward me for it and compensate me with something better than it).'" (*Hasan*)

تخریج: [حسن] أخرجه أحمد: ۳۱۷/۶ والنسائي في الكبرى، ح: ۱۰۹۱۰ وعمل اليوم واللييلة، ح: ۱۰۷۱ من حديث حماد بن سلمة به وصححه الحاكم: ۱۷، ۱۶/۴ ووافقه الذهبي وللحديث شواهد عند مسلم، ح: ۹۱۸ وغيره.

Chapter 18, 19. Covering The Deceased

3120. It was narrated from 'Aishah that the Prophet ﷺ was covered with a *Hibarah* (striped Yemeni) cloth. (*Sahih*)

تخریج: أخرجه مسلم، الجنائز، باب تسجية الميت، ح: ۹۴۲ من حديث عبدالرزاق، والبخاري، اللباس، باب البرود والحبر والشملة، ح: ۵۸۱۴ من حديث الزهري به وهو في مسند أحمد: ۱۵۳/۶.

(المعجم ۱۷، ۱۸) بَابُ: فِي الاسْتِرْجَاعِ (التحفة ۲۲)

۳۱۱۹ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَمَّادٌ: أَخْبَرَنَا ثَابِتٌ عَنْ ابْنِ عُمَرَ بْنِ أَبِي سَلَمَةَ، عَنْ أَبِيهِ، عَنْ أُمِّ سَلَمَةَ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا أَصَابَتْ أَحَدَكُمْ مُصِيبَةٌ فَلْيَقُلْ: إِنَّا لِلَّهِ وَإِنَّا إِلَيْهِ رَاجِعُونَ، اللَّهُمَّ! عِنْدَكَ أَحْتَسِبُ مُصِيبَتِي فَأُجْزِنِي فِيهَا وَأَبْدِلْ لِي بِهَا خَيْرًا مِنْهَا».

(المعجم ۱۸، ۱۹) بَابُ: فِي الْمَيِّتِ يُسَجَّى (التحفة ۲۳)

۳۱۲۰ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: حَدَّثَنَا مَعْمَرٌ عَنْ الزُّهْرِيِّ، عَنْ أَبِي سَلَمَةَ، عَنْ عَائِشَةَ: أَنَّ النَّبِيَّ ﷺ سَجَّى فِي نَوْبِ جَبْرَةَ.

Chapter 19, 20. Reciting Qur'ān For One Who Is Dying

3121. It was narrated that Ma'qil bin Yasār said: "The Messenger of Allāh ﷺ said: 'Recite *Yā Sīn* for your dying ones.'" (*Daʿīf*)

(المعجم ١٩، ٢٠) - بَابُ الْقِرَاءَةِ عِنْدَ

الْمَيِّتِ (التحفة ٢٤)

٣١٢١ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ وَمُحَمَّدُ ابْنُ مَكِّيٍّ الْمَرْوَزِيُّ الْمَعْنَى قَالَا: حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنْ سُلَيْمَانَ التَّيْمِيِّ، عَنْ أَبِي عُثْمَانَ - وَلَيْسَ بِالتَّهْدِيٍّ - عَنْ أَبِيهِ، عَنْ مَعْقِلِ بْنِ يَسَارٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَقْرُوا ﴿يَس﴾ عَلَى مَوْتَاكُمْ». وَهَذَا لَفْظُ ابْنِ الْعَلَاءِ.

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الجنائز، باب ما جاء فيما يقال عند المريض إذا حضر، ح: ١٤٤٨ من حديث عبدالله بن المبارك به * أبو عثمان: مجهول الحال لم يوثقه غير ابن حبان وأبوه لا يعرف، والحديث ضعفه الدارقطني وله شاهد موقوف عند أحمد: ١٠٥/٤ وسنده ضعيف.

Comments:

The people around the deceased should close his eyes after his soul departs, and supplicate to Allāh on behalf of the deceased and his family, and completely cover his body. The narrations concerning the recitation of *Surah Yā Sīn* are not authentic. We should instead supplicate to Allāh to grant the deceased ease.

Chapter 20, 21. Sitting Down When Calamity Strikes

3122. It was narrated that 'Āishah said: "When Zaid bin Hārithah, Ja'far and 'Abdullāh bin Rawāḥah were killed, the Messenger of Allāh ﷺ sat in the *Masjid*, and grief could be seen in his face." And he narrated the story. (*Ṣaḥīḥ*)

(المعجم ٢٠، ٢١) - بَابُ الْجُلُوسِ عِنْدَ

الْمُصِيبَةِ (التحفة ٢٥)

٣١٢٢ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: حَدَّثَنَا سُلَيْمَانُ بْنُ كَثِيرٍ عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ عَمْرَةَ، عَنْ عَائِشَةَ قَالَتْ: لَمَّا قُتِلَ زَيْدُ بْنُ حَارِثَةَ وَجَعَفَرٌ وَعَبْدُ اللَّهِ بْنُ رَوَاحَةَ جَلَسَ رَسُولُ اللَّهِ ﷺ فِي الْمَسْجِدِ يُعْرِفُ فِي وَجْهِهِ الْحُزْنَ. وَذَكَرَ الْقِصَّةَ.

تخريج: أخرجه البخاري، الجنائز، باب ما ينهى من النوح والبكاء والزجر عن ذلك، ح: ١٣٠٥ ومسلم، الجنائز، باب التشديد في النياحة، ح: ٩٣٥ من حديث يحيى بن سعيد الأنصاري به.

Comments:

It is a desirable act that the family, friends, and relatives of the deceased gather and sit together on this occasion. There is no requirement, however, that they sit only on the ground. They may sit on mats, cots, chairs and the like. To consider it something like a compulsory ritual to sit in waiting to receive condolences from the people for three days is improper; there is no injunction for this in the *Shari'ah*.

Chapter 21, 22. Offering Condolences

(المعجم ٢١، ٢٢) - بَابُ التَّعْزِيَةِ

(التحفة ٢٦)

3123. It was narrated that 'Abdullāh bin 'Amr bin Al-'Āṣ said: "One day, we buried a deceased person with the Messenger of Allāh ﷺ, and when we had finished, the Messenger of Allāh ﷺ came back, and we came back with him. When he drew near his door, he stopped, and we saw a woman coming (towards him)." He said: "I think he recognized her, and when she reached him, we saw that it was Fāṭimah. The Messenger of Allāh ﷺ said to her: 'What brought you out of your house, O Fāṭimah?' She said: 'I have come to the people of this house, O Messenger of Allāh, to pray for mercy for their deceased one, or to offer them condolences.' The Messenger of Allāh ﷺ said to her: 'Perhaps you reached *Al-Kuda* (the graveyard) with them?' She said: 'Allāh forbid! I heard you say what you said about it.' He said: 'If you had reached the graveyard with them,' and he spoke stern words concerning that." (Al-Mufaḍḍal — one of the narrators said) "I asked Rabī'ah about *Al-Kuda*, he said: 'The graves, as far as I reckon.'" (*Hasan*)

٣١٢٣ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ بْنِ عَبْدِ اللَّهِ ابْنِ مَوْهَبٍ الْهَمْدَانِيُّ قَالَ: حَدَّثَنَا الْمُفَضَّلُ عَنْ رَبِيعَةَ بْنِ سِنْفٍ الْمَعَاوِرِيِّ عَنْ أَبِي عَبْدِ الرَّحْمَنِ الْحُبَلِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو ابْنِ الْعَاصِ قَالَ: قَبَرْنَا مَعَ رَسُولِ اللَّهِ ﷺ [يَوْمًا] يَعْنِي مَيْتًا، فَلَمَّا فَرَعْنَا انْصَرَفَ رَسُولُ اللَّهِ ﷺ وَأَنْصَرَفْنَا مَعَهُ، فَلَمَّا حَادَى بَابَهُ وَقَفَ، فَإِذَا نَحْنُ بِامْرَأَةٍ مُقْبِلَةٍ. قَالَ: أَطْنَتْهُ عَرَفَهَا، فَلَمَّا ذَهَبَتْ إِذَا هِيَ فَاطِمَةُ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «مَا أَخْرَجَكَ يَا فَاطِمَةُ مِنْ بَيْتِكَ؟» قَالَتْ: أَتَيْتُ بَارِسُورَ اللَّهِ! أَهْلَ هَذَا الْبَيْتِ فَرَحَّمْتُ إِلَيْهِمْ مَيِّتَهُمْ أَوْ عَزَّيْتُهُمْ بِهِ، فَقَالَ لَهَا رَسُولُ اللَّهِ ﷺ: «فَلَعَلَّكَ بَلَغْتَ مَعَهُمُ الْكُدَى؟» قَالَتْ: مَعَاذَ اللَّهِ!! وَقَدْ سَمِعْتُكَ تَذْكُرُ فِيهَا مَا تَذْكُرُ. قَالَ: «لَوْ بَلَغْتَ مَعَهُمُ الْكُدَى»، فَذَكَرَ تَشْدِيدًا فِي ذَلِكَ، فَسَأَلْتُ رَبِيعَةَ عَنِ الْكُدَى فَقَالَ: الْقُبُورُ فِيمَا أَحْسَبُ.

تخريج: [إسناده حسن] أخرجه النسائي، الجنائز، باب النعي، ح: ١٨٨١ من حديث ربيعة ابن سيف به وصححه الحاكم على شرط الشيخين: ١/٣٧٣، ٣٧٤ ووافقه الذهبي * ربيعة بن سيف وثقه الجمهور وهو حسن الحديث.

Comments:

The *Hadith* seems to suggest that it is unlawful for women to visit the graveyards. Some scholars, however, suggest that the interdiction belongs to the early days of Islam when people in general were prevented from visiting graveyards. But once the Prophet ﷺ gave his permission to visit, the permission covered men as well as women.

Chapter 22, 23. Patience At The Time Of Calamity

3124. It was narrated that Anas said: “The Prophet of Allāh ﷺ came to a woman who was weeping for a son of hers, and said to her: ‘Have *Taqwā* of Allāh and be patient.’ She said: ‘What do you care about my calamity?’ It was said to her: ‘This is the Prophet ﷺ.’ She came to him, and she did not find any doorkeeper at his door, and she said: ‘O Messenger of Allāh, I did not recognize you.’ He said: ‘Patience is only when the calamity first strikes.’” (*Sahīh*)

تخريج: أخرجه البخاري، الجنائز، باب قول الرجل للمرأة عند القبر: اصبري، ح: ١٢٥٢ ومسلم، الجنائز، باب: في الصبر على المصيبة عند الصدمة الأولى، ح: ٩٢٦ من حديث شعبة به.

Comments:

The great rewards for patience come only if the patience is observed from the onset of the affliction.

Chapter 23, 24. Weeping For The Deceased

3125. It was narrated from Usāmah bin Zaid that a daughter of the Messenger of Allāh ﷺ sent word to him, when Sa’d and I, and I think Ubayy, were with him,

(المعجم ٢٢، ٢٣) - بَابُ الصَّبْرِ عِنْدَ

الْمُصِيبَةِ (التحفة ٢٧)

٣١٢٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عُثْمَانُ بْنُ عُمرَ: حَدَّثَنَا شُعْبَةُ عَنْ ثَابِتٍ، عَنْ أَنَسٍ قَالَ: أَتَى نَبِيَّ اللَّهِ ﷺ عَلَى امْرَأَةٍ تَبْكِي عَلَى صَبِيِّ لَهَا، فَقَالَ لَهَا: «اتَّقِي اللَّهَ وَاصْبِرِي»، فَقَالَتْ: وَمَا تُبَالِي أَنْتَ بِمُصِيبَتِي، فَقِيلَ لَهَا: هَذَا النَّبِيُّ ﷺ، فَأَتَتْهُ، فَلَمْ تَجِدْ عَلَى بَابِهِ بَوَّابِينَ، فَقَالَتْ: يَا رَسُولَ اللَّهِ، لَمْ أَعْرِفْكَ، فَقَالَ: «إِنَّمَا الصَّبْرُ عِنْدَ الصَّدْمَةِ الْأُولَى»، أَوْ «عِنْدَ أَوَّلِ صَدْمَةٍ».

(المعجم ٢٣، ٢٤) - بَابُ: فِي الْبُكَاءِ عَلَى

الْمَيِّتِ (التحفة ٢٨)

٣١٢٥ - حَدَّثَنَا أَبُو الْوَلِيدِ الطَّلَالِيسِيُّ: حَدَّثَنَا شُعْبَةُ عَنْ عَاصِمٍ الْأَحْوَلِ قَالَ: سَمِعْتُ أَبَا عُثْمَانَ عَنْ أُسَامَةَ بْنِ زَيْدٍ: أَنَّ ابْنَةَ لِرَسُولٍ

(saying): "My son" or "daughter is dying; come to us." He sent word to her, conveying his *Salām*, and he said: "Say: 'Lillāhi mā *akhadha* wa mā a'ta, wa kullu *shai'in* 'indahu ajal (To Allāh belongs that which He takes and that which He gives, and everything has an appointed time with Him).'" She sent word adjuring him to come, so he went to her, and the child was placed in the lap of the Messenger of Allāh ﷺ, and his soul was rattling. The eyes of the Messenger of Allāh ﷺ overflowed with tears, and Sa'd said to him: "What is this?" He said: "This is compassion which Allāh places in the hearts of whomever He wills, and Allāh only shows mercy to the merciful among His slaves." (*Ṣaḥīḥ*)

اللَّهُ ﷺ أَرْسَلَتْ إِلَيْهِ وَأَنَا مَعَهُ وَسَعْدٌ وَأَخِيبُ أُبَيَّا أُنْ ابْنِي أَوْ ابْنَتِي قَدْ حُضِرَ فَاشْهَدْنَا فَأَرْسَلَ يُقْرِئُ السَّلَامَ فَقَالَ: «قُلْ: اللَّهُ مَا أَخَذَ وَمَا أُعْطِيَ وَكُلُّ شَيْءٍ عِنْدَهُ إِلَى أَجَلٍ» فَأَرْسَلَتْ تُقْسِمُ عَلَيْهِ، فَأَتَاهَا، فَوَضَعَ الصَّبِيَّ فِي حِجْرِ رَسُولِ اللَّهِ ﷺ وَنَفْسُهُ تَقَعَّقُ، فَقَاضَتْ عَيْنَا رَسُولِ اللَّهِ ﷺ، فَقَالَ لَهُ سَعْدٌ: مَا هَذَا؟ قَالَ: «إِنَّهَا رَحْمَةٌ يَضَعُهَا اللَّهُ فِي قُلُوبِ مَنْ يَشَاءُ وَإِنَّمَا يَرْحَمُ اللَّهُ مَنْ عِبَادِهِ الرُّحَمَاءُ».

تخریج: أخرجه البخاري، الجنائز، باب قول النبي ﷺ: "يعذب الميت ببعض بكاء أهله عليه"، ح: ١٢٨٤ ومسلم، الجنائز، باب البكاء على الميت، ح: ٩٢٣ من حديث عاصم الأحول به.

Comments:

Tears upon a loved one's death, are natural. There is nothing wrong in it. It is rather a sign of mercy and the tenderness of the heart.

3126. It was narrated that Anas bin Mālik said: "The Messenger of Allāh ﷺ said: 'Last night a son was born to me, and I have named him after my father, Ibrāhīm,'" and he narrated the *Ḥadīth*.

Anas said: "I saw him (i.e., Ibrāhīm) there in front of the Messenger of Allāh ﷺ at the point of death, and tears fell from the eyes of the Messenger of Allāh ﷺ, and he said: 'The eyes weep and

٣١٢٦ - حَدَّثَنَا شَيْبَانُ بْنُ فَرُّوخَ: حَدَّثَنَا سُلَيْمَانُ بْنُ الْمُغِيرَةِ عَنْ ثَابِتِ الْبُنَانِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «وُلِدَ لِي اللَّيْلَةَ غُلَامٌ فَسَمَّيْتُهُ بِاسْمِ أَبِي، إِبْرَاهِيمَ» فَذَكَرَ الْحَدِيثَ.

قَالَ أَنَسٌ: لَقَدْ رَأَيْتُهُ يَكِيدُ بِنَفْسِهِ بَيْنَ يَدَيْ رَسُولِ اللَّهِ ﷺ، فَدَمَعَتْ عَيْنَا رَسُولِ اللَّهِ ﷺ، فَقَالَ: «تَدْمَعُ الْعَيْنُ وَيَحْزَنُ الْقَلْبُ، وَلَا

the heart grieves, but we do not say anything but that which pleases our Lord. Verily we are grieved at your departure, O Ibrāhīm.” (*Ṣaḥīḥ*)

نَقُولُ إِلَّا مَا يَرْضَى رَبُّنَا، إِنَّا بِكَ يَا إِبْرَاهِيمَ لَمَحْزُونُونَ.

تخریج: أخرجه مسلم، الفضائل، باب رحمته ﷺ الصبيان والعيال وتواضعه وفضل ذلك، ح: ۲۳۱۵ عن شيبان بن فروخ به وأصله عند البخاري، ح: ۱۳۰۳.

Chapter 24, 25. Wailing

(المعجم ۲۴، ۲۵) بَابُ: فِي النَّوْحِ
(التحفة ۲۹)

3127. It was narrated that Umm ‘Aṭīyah said: “The Messenger of Allāh ﷺ forbade us from wailing.” (*Ṣaḥīḥ*)

۳۱۲۷ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ أَبِي ثَوْبٍ، عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةٍ قَالَتْ: إِنَّ رَسُولَ اللَّهِ ﷺ نَهَانَا عَنِ النَّيَاحَةِ.

تخریج: أخرجه البخاري، الأحكام، باب بيعة النساء، ح: ۷۲۱۵ عن مسدد به مطولاً وله طريق آخر عند مسلم، ح: ۳۲/۹۳۶ عن حفصة به.

3128. It was narrated that Abū Sa‘eed Al-Khudrī said: “The Messenger of Allāh ﷺ cursed the woman who wails and the one who listens to her.” (*Da‘if*)

۳۱۲۸ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: أَخْبَرَنَا مُحَمَّدُ بْنُ رَبِيعَةَ عَنْ مُحَمَّدِ بْنِ الْحَسَنِ ابْنِ عَطِيَّةٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ النَّايِحَةَ وَالْمُسْتَمِعَةَ.

تخریج: [إسناده ضعيف] أخرجه أحمد: ۶۵/۳ عن محمد بن ربيعة به * محمد بن الحسن ابن عطية العوفي وأبوه: ضعيفان، وجده: ضعيف مدلس، وللحديث شواهد ضعيفة عند البيهقي: ۶۳/۴ وغيره.

Comments:

1. The tradition is weak. Yet, the correct position in the light of other sound *Aḥādīth* is that we are prohibited even to listen to other people’s bewailing, loud lamentation and mourning over the dead.
2. The Arabic term *Niyāḥah* or *Nuwah* means lamenting and wailing loudly for the dead, or indulging in acts like pulling one’s hair, throwing dust over one’s head or tearing at one’s clothes, and so on. As for the crying itself, there is nothing blameworthy about it.

3129. It was narrated from ‘Urwah, from his father, from Ibn ‘Umar

۳۱۲۹ - حَدَّثَنَا هَتَّادُ بْنُ السَّرِيِّ عَنْ عَبْدِ

that he said: "The Messenger of Allāh ﷺ said: 'The deceased is tormented because of his family's weeping for him.'" That was mentioned to 'Aishah and she said: "Do you mean Ibn 'Umar narrated that? All that happened is that the Prophet ﷺ passed by a grave and said: 'The occupant of this (grave) is being tormented and his family is weeping for him.'" Then she recited: 'And no bearer of burdens shall bear another's burden.'^[1] He (the author said) — from Abū Mu'āwiyah (in his narration): "(He passed) by the grave of a Jew." (*Sahīh*)

وَأَبِي مُعَاوِيَةَ الْمَعْنَى، عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّ الْمَيِّتَ لَيُعَذَّبُ بِبُكَاءِ أَهْلِهِ عَلَيْهِ»، فَذَكَرَ ذَلِكَ لِعَائِشَةَ فَقَالَتْ: وَهَلْ تَغْنِي ابْنَ عُمَرَ، إِنَّمَا مَرَّ النَّبِيُّ ﷺ عَلَى قَبْرِ فَقَالَ: «إِنَّ صَاحِبَ هَذَا لَيُعَذَّبُ وَأَهْلُهُ يَبْكُونَ عَلَيْهِ»، ثُمَّ قَرَأَتْ ﴿وَلَا تُزِرُّ وَازِرَةً وَزَرَ أُخْرَى﴾ [فاطر: ١٨] قَالَ عَنْ أَبِي مُعَاوِيَةَ: عَلَى قَبْرِ يَهُودِيٍّ.

تخريج: أخرجه البخاري، المغازي، باب قتل أبي جهل، ح: ٣٩٨٠، ٣٩٨١ من حديث عبدة به، ورواه مسلم، ح: ٩٣٢ والبخاري، ح: ٣٩٧٩ من طريق آخر عن هشام به.

Comments:

If the deceased person is a disbeliever, or even the sort of Muslim that has left a will for the family to wait for him after his death, he will be punished for the act. Punishing under these circumstances does not go against the meaning of the quoted Verse. In case he disliked any such act and had commanded his people not to do it, but they did it anyway, the deceased person will be exempt from all blame and punishment.

3130. It was narrated that Yazīd bin Aws said: "I entered upon Abū Mūsā as he was dying, and his wife began to weep, or was about to weep. Abū Mūsā said to her: 'Did you not hear what the Messenger of Allāh ﷺ said?' She said: 'Yes.'" Then she fell silent. When Abū Mūsā died, Yazīd said: "I met his wife and said to her: 'What did Abū Mūsā mean when he said to you: 'Did you not hear what the

٣١٣٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنْصُورٍ، عَنْ إِبْرَاهِيمَ، عَنْ يَزِيدَ بْنِ أَوْسٍ قَالَ: دَخَلْتُ عَلَى أَبِي مُوسَى وَهُوَ نَقِيلٌ، فَذَهَبَتْ أَمْرَاتُهُ لِتَبْكِي أَوْ تَهْمُ بِهِ، فَقَالَ لَهَا أَبُو مُوسَى: أَمَا سَمِعْتِ مَا قَالَ رَسُولُ اللَّهِ ﷺ؟ قَالَتْ: بَلَى، قَالَ: فَسَكَتَتْ، قَالَ: فَلَمَّا مَاتَ أَبُو مُوسَى قَالَ يَزِيدُ: لَقِيتُ الْمَرْأَةَ فَقُلْتُ لَهَا: [مَا] قَوْلُ أَبِي مُوسَى لَكَ،

[1] *Fāṭir* 35:18.

Messenger of Allāh ﷺ said?" Then you fell silent?' She said: 'The Messenger of Allāh ﷺ said: "He is not one of us who shaves his head, or shouts or tears his garment (at the time of calamity)." (*Ṣaḥīḥ*)

أَمَّا سَمِعَتْ مَا قَالَ رَسُولُ اللَّهِ ﷺ، ثُمَّ سَكَتَ؟ قَالَتْ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَيْسَ مِنَّا مَنْ حَلَقَ وَمَنْ سَلَقَ وَمَنْ خَرَقَ».

تخريج: [صحيح] أخرجه النسائي، الجنائز، باب شق الجيوب، ح: ١٨٦٦، ١٨٦٧ من حديث منصور * إبراهيم النخعي: مدلس ويزيد بن أوس: مجهول الحال فالسند ضعيف، وللحديث شواهد عند البخاري، ح: ١٢٩٦ مسلم، ح: ١٠٤ وغيرهما.

3131. Asīd bin Abī Asīd narrated that one of the women who pledged allegiance (to the Prophet ﷺ) said: "One of the covenants that the Messenger of Allāh ﷺ took from us, and that we swore not to disobey him in, was that we would not scratch our faces, or wail, or tear our garments, or dishevel our hair." (*Ḥasan*)

٣١٣١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا حُمَيْدُ بْنُ الْأَسْوَدِ: حَدَّثَنَا الْحَجَّاجُ، غَامِلُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ عَلَى الرَّبَذَةِ قَالَ: حَدَّثَنِي أُسَيْدُ بْنُ أَبِي أُسَيْدٍ عَنْ امْرَأَةٍ مِنَ الْمُبَايَعَاتِ قَالَتْ: كَانَ فِيمَا أَخَذَ عَلَيْنَا رَسُولُ اللَّهِ ﷺ فِي الْمَعْرُوفِ الَّذِي أَخَذَ عَلَيْنَا أَنْ لَا نَعْصِيهِ فِيهِ: أَنْ لَا نَخْمِشَ وَجْهَهَا وَلَا نَدْعُوَ وَلَا، وَلَا نَشُقَّ جَنْبَهَا، وَلَا نَنْشُرَ شَعْرًا.

تخريج: [إسناده حسن] أخرجه البيهقي: ٦٤/٤ من حديث أبي داود به، وحسنه النووي في رياض الصالحين، ح: ١٦٦٧.

Chapter 25, 26. Preparing Food For The Family Of The Deceased

(المعجم ٢٥، ٢٦) - بَابُ صَنْعَةِ الطَّعَامِ لِأَهْلِ الْمَيِّتِ (التحفة ٣٠)

3132. It was narrated that 'Abdullāh bin Ja'far said: "The Messenger of Allāh ﷺ said: 'Prepare food for the family of Ja'far, for there has come to them that which is preoccupying them.'" (*Ḥasan*)

٣١٣٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفْيَانُ: حَدَّثَنِي جَعْفَرُ بْنُ خَالِدٍ عَنْ أَبِيهِ، عَنْ عَبْدِ اللَّهِ ابْنِ جَعْفَرٍ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اصْنَعُوا لِأَلِ جَعْفَرٍ طَعَامًا فَإِنَّهُ قَدْ آتَاهُمْ أَمْرٌ يَشْغَلُهُمْ».

تخريج: [إسناده حسن] أخرجه الترمذي، الجنائز، باب ما جاء في الطعام يصنع لأهل الميت، ح: ٩٩٨ وابن ماجه، ح: ١٦١٠ من حديث سفیان بن عیینة به، وقال الترمذي: "حسن صحيح" وصححه الحاكم: ٣٧٢/١ ووافقه الذهبي.

Chapter 26, 27. Should The Martyr Be Washed?

(المعجم ٢٦، ٢٧) بَابُ: فِي الشَّهِيدِ
يُغَسَّلُ؟ (التحفة ٣١)

3133. It was narrated that Jābir said: “A man was shot with an arrow in his chest or throat and he died. He was shrouded in his clothes as he was.” He said: “And we were with the Messenger of Allāh ﷺ.” (*Da'if*)

٣١٣٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا مَعْنُ بْنُ عِيسَى، ح: وَحَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ عَمَرَ الْجُسَمِيُّ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ إِبْرَاهِيمَ بْنِ طَهْمَانَ، عَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ قَالَ: رُمِيَ رَجُلٌ بِسَهْمٍ فِي صَدْرِهِ أَوْ فِي حَلْقِهِ فَمَاتَ فَأُدْرَجَ فِي ثِيَابِهِ كَمَا هُوَ. قَالَ: وَنَحْنُ مَعَ رَسُولِ اللَّهِ ﷺ.

تخريج: [إسناده ضعيف] أخرجه ابن عبد البر في التمهيد: ٢٤٤/٢٤ من حديث أبي داود به، وأحمد: ٣٦٧/٣ من حديث إبراهيم بن طهمان به وصححه ابن الملقن في تحفة المحتاج، ح: ٨١٢ * أبو الزبير عنن وللحديث شواهد.

3134. It was narrated that Ibn ‘Abbās said: “The Messenger of Allāh ﷺ ordered that the weapons, shields and furs^[1] of the slain of Uḥud be removed, and that they be buried with their blood on their garments.” (*Da'if*)

٣١٣٤ - حَدَّثَنَا زِيَادُ بْنُ أَيُّوبَ وَعِيسَى بْنُ يُونُسَ [الطَّرُطُوسِيُّ] قَالَا: حَدَّثَنَا عَلِيُّ بْنُ عَاصِمٍ عَنْ عَطَاءِ بْنِ السَّائِبِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: أَمَرَ رَسُولُ اللَّهِ ﷺ بِقَتْلِ أَحَدٍ أَنْ يُنَزَعَ عَنْهُمْ الْحَدِيدُ وَالْجُلُودُ، وَأَنْ يُدْفَنُوا بِدِمَائِهِمْ وَثِيَابِهِمْ. [وَهَذَا لَفْظُ زِيَادٍ].

تخريج: [إسناده ضعيف] أخرجه ابن ماجه، الجنائز، باب ما جاء في الصلاة على الشهداء ودفنهم، ح: ١٥١٥ من حديث علي بن عاصم به وهو ممن تكلم فيه وعطاء بن السائب اختلط.

3135. It was narrated from Anas bin Mālik that the martyrs of Uḥud were not washed, and they were buried with their blood, and the funeral prayer was not performed for them. (*Hasan*)

٣١٣٥ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ وَهْبٍ، ح: وَحَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: أَخْبَرَنَا ابْنُ وَهْبٍ - وَهَذَا لَفْظُهُ - قَالَ: أَخْبَرَنِي أَسَامَةُ بْنُ زَيْدٍ اللَّيْثِيُّ أَنَّ ابْنَ

[1] *Al-Julūd* plural of *Jild*, meaning an animal skin that is tanned or a fur or pelt, etc. It is possible that it means leather protective gear for battle, for which reason it was translated as “armour” in our translation of *Ibn Mājah* (no. 1515).

شِهَابٍ أَخْبَرَهُ أَنَّ أَنَسَ بْنَ مَالِكٍ حَدَّثَهُمْ: أَنَّ شُهَدَاءَ أَحَدٍ لَمْ يُعَسَّلُوا وَدُفِنُوا بِدِمَائِهِمْ وَلَمْ يُصَلَّ عَلَيْهِمْ.

تخريج: [إسناده حسن] أخرجه الحاكم: ٣٦٥/١، ٣٦٦ من حديث أسامة بن زيد به وصححه على شرط مسلم ووافقه الذهبي، انظر: ح: ٣١٣٨.

Comments:

As proven from some of the previous *Ahādīth*, the correct position with regard to the person martyred in *Jihād* is that he be buried unwashed, with the very blood and clothes in which he was martyred. Some of the *Ahādīth* also affirm the holding of the funeral prayer for him.

3136. (Another chain) from Anas bin Mālik who said that the Messenger of Allāh ﷺ passed by Ḥamzah, who had been mutilated, and said: "Were it not that Ṣafīyyah would be grieved, I would have left him for the scavengers to eat, so that he would be resurrected from their bellies." Shrouds were few and the slain were many, so one or two, or three men, were shrouded in a single cloth.

Qutaibah (one of the narrators) added: "Then they were buried in a single grave, and the Messenger of Allāh ﷺ would ask: 'Which of them knew more Qur'ān?' Then he would place him closer to the *Qiblah*." (*Da'if*)

تخريج: [إسناده ضعيف] أخرجه الترمذي، الجنائز، باب ما جاء في قتلى أحد وذكر حمزة، ح: ١٠١٦ عن قتيبة بن سعيد به وقال: "حسن غريب" وصححه الحاكم: ١٩٦/٣ ووافقه الذهبي * الزهري عنعن.

3137. (Another chain) from Anas who said that the Prophet ﷺ passed by Ḥamzah when he had been mutilated, and he did not perform the funeral payer for any

٣١٣٦ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا زَيْدُ يَعْنِي ابْنَ الْحُبَابِ؛ ح: وَحَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا أَبُو صَفْوَانَ يَعْنِي الْمَوْرَائِيَّ، عَنْ أُسَامَةَ، عَنْ الزُّهْرِيِّ، عَنْ أَنَسِ بْنِ مَالِكٍ الْمَعْنَى: أَنَّ رَسُولَ اللَّهِ ﷺ مَرَّ عَلَى حَمْزَةَ وَقَدْ مُثِّلَ بِهِ فَقَالَ: «لَوْلَا أَنْ تَجِدَ صَفِيَّةً فِي نَفْسِهَا لَتَرَكْتُهُ حَتَّى تَأْكُلَهُ الْعَايَةُ، حَتَّى يُحْشَرَ مِنْ بُطُونِهَا»، وَقَلَّتِ الثِّيَابُ وَكَثُرَتِ الْقَتْلَى فَكَانَ الرَّجُلُ وَالرَّجُلَانِ وَالثَّلَاثَةُ يُكْفَنُونَ فِي الثَّوْبِ الْوَاحِدِ. رَأَى قُتَيْبَةُ: ثُمَّ يُدْفَنُونَ فِي قَبْرِ وَاحِدٍ، فَكَانَ رَسُولُ اللَّهِ ﷺ يَسْأَلُ: «أَيُّهُمْ أَكْثَرُ قُرْآنًا» فَيَقْدُمُهُ إِلَى الْقِبْلَةِ.

٣١٣٧ - حَدَّثَنَا عَبَّاسُ الْعُبَيْرِيُّ: حَدَّثَنَا عُثْمَانُ بْنُ عَمَرَ قَالَ: حَدَّثَنَا أُسَامَةُ عَنْ الزُّهْرِيِّ، عَنْ أَنَسٍ: أَنَّ النَّبِيَّ ﷺ مَرَّ بِحَمْزَةَ

of the martyrs except him. (*Hasan*)

وَقَدْ مُثِّلَ بِهِ، وَلَمْ يُصَلَّ عَلَى أَحَدٍ مِنَ الشَّهَدَاءِ غَيْرِهِ.

تخریج: [حسن] أخرجه الطحاوي في معاني الآثار: ٥٠٢/١ من حديث عثمان بن عمر به، وللحديث شواهد عنده: ٥٠٣/١ وعند غيره * أسامة هو ابن زيد الليثي، وشيخه صرح بالسماع عند الطحاوي في رواية أخرى.

3138. It was narrated from Laith, from Ibn Shihāb, from ‘Abdur-Rahmān bin Ka’b bin Mālik that Jābir bin ‘Abdullāh informed him, that the Messenger of Allāh ﷺ would put two of the slain of Uḥud together, and he would say: “Which of them had learned more Qur’ān?” If one of them was pointed out to him, he would put him into the *Laḥd* (niche) first. And he said: “I shall be a witness for them on the Day of Resurrection.” And he ordered they they be buried with their blood, and not washed. (*Ṣaḥīḥ*)

٣١٣٨ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ وَيَزِيدُ بْنُ خَالِدِ بْنِ مَوْهَبٍ أَنَّ اللَّيْثَ حَدَّثَهُمْ عَنْ ابْنِ شِهَابٍ، عَنْ عَبْدِ الرَّحْمَنِ بْنِ كَعْبِ بْنِ مَالِكٍ أَنَّ جَابِرَ بْنَ عَبْدِ اللَّهِ أَخْبَرَهُ: أَنَّ رَسُولَ اللَّهِ ﷺ كَانَ يَجْمَعُ بَيْنَ الرَّجُلَيْنِ مِنْ قَتْلَى أُحُدٍ وَيَقُولُ: «أَيُّهُمَا أَكْثَرُ اخْتِذَاً لِلْقُرْآنِ؟» فَإِذَا أُشِيرَ لَهُ إِلَى أَحَدِهِمَا قَدَّمَهُ فِي اللَّحْدِ، فَقَالَ: «أَنَا شَهِيدٌ عَلَى هَؤُلَاءِ يَوْمَ الْقِيَامَةِ» وَأَمَرَ بِدَفْنِهِمْ بِدِمَائِهِمْ وَلَمْ يُغْسَلْهُمْ.

تخریج: أخرجه البخاري، الجنائز، باب الصلاة على الشهيد، ح: ١٣٤٣ من حديث الليث ابن سعد به.

3139. (Another chain) from Laith, with this *Ḥadīth*, with its meaning (similar to no 3138), he said: “He put two of the slain of Uḥud together in a single cloth.” (*Ṣaḥīḥ*)

٣١٣٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ دَاوُدَ الْمَهْرِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ عَنِ اللَّيْثِ بِهَذَا الْحَدِيثِ بِمَعْنَاهُ قَالَ: يَجْمَعُ بَيْنَ الرَّجُلَيْنِ مِنْ قَتْلَى أُحُدٍ فِي ثَوْبٍ وَاحِدٍ.

تخریج: [صحيح] انظر الحديث السابق.

Chapter 27, 28. Covering The Deceased When Washing Him

(المعجم ٢٧، ٢٨) بَابُ: فِي سِتْرِ الْمَيِّتِ عِنْدَ غُسْلِهِ (التحفة ٣٢)

3140. It was narrated from ‘Alī that the Prophet ﷺ said: “Do not uncover your thigh and do not look

٣١٤٠ - حَدَّثَنَا عَلِيُّ بْنُ سَهْلٍ الرَّمْلِيُّ: حَدَّثَنَا حَجَّاجٌ عَنْ ابْنِ جُرَيْجٍ قَالَ: أُخْبِرْتُ

at the thigh of anyone, living or dead.” (*Da'if*)

عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ، عَنْ عَاصِمِ بْنِ ضَمْرَةَ، عَنْ عَلِيِّ بْنِ النَّبِيِّ عليه السلام قَالَ: «لَا تُبْرِزْ فَخْذَكَ وَلَا تَنْظُرْ إِلَى فَخْذِ حَيٍّ وَلَا مَيِّتٍ».

تخريج: [إسناده ضعيف جداً] أخرجه ابن ماجه، الجنائز، باب ما جاء في غسل الميت، ح: ١٤٦٠ من حديث ابن جريج به وانظر، ح: ٤٠١٥ * حبيب بن أبي ثابت عن عنن والواسطة بينه وبين عاصم: عمرو بن خالد الواسطي وهو متهم بالكذب متروك.

3141. Yahyā bin ‘Abbād narrated that his father ‘Abbād bin ‘Abdullāh bin Az-Zubair said: “I heard ‘Āishah say: ‘When they wanted to wash the Prophet ﷺ, they said: “By Allāh, we do not know whether we should remove the garments of the Messenger of Allāh ﷺ, as we remove the garments from our own deceased, or wash him with his garments on him.” When they differed, Allāh caused them to sleep until there was no man among them whose chin was not on his chest. Then a voice came to them from the corner of the house, and they did not know who it was, telling them to wash the Messenger of Allāh ﷺ with his garments on him. So they washed him, and he was wearing his *Qamīṣ*. They poured the water over the *Qamīṣ* and rubbed him with the *Qamīṣ*, not their hands.’ ‘Āishah used to say: ‘If I had known beforehand what I know now, no one but his wives would have washed him.” (*Hasan*)

٣١٤١ - حَدَّثَنَا الثَّقَلِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ سَلَمَةَ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ قَالَ: حَدَّثَنِي يَحْيَى بْنُ عَبَّادٍ عَنْ أَبِيهِ عَبَّادِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ قَالَ: سَمِعْتُ عَائِشَةَ تَقُولُ: لَمَّا أَرَادُوا غَسْلَ النَّبِيِّ ﷺ قَالُوا: وَاللَّهِ مَا نَدْرِي أُنَجِّرُدُ رَسُولَ اللَّهِ ﷺ مِنْ ثِيَابِهِ كَمَا نُجِرَّدُ مَوْتَانَا أَمْ نَغْسِلُهُ وَعَلَيْهِ ثِيَابُهُ، فَلَمَّا اخْتَلَفُوا أَلْقَى اللَّهُ عَلَيْهِمُ النَّوْمَ حَتَّى مَا مِنْهُمْ رَجُلٌ إِلَّا وَدَفَنَهُ فِي صَدْرِهِ، ثُمَّ كَلَّمَهُمْ مُكَلِّمٌ مِنْ نَاحِيَةِ الْبَيْتِ لَا يَدْرُونَ مَنْ هُوَ: أَنْ اغْسِلُوا النَّبِيَّ ﷺ وَعَلَيْهِ ثِيَابُهُ، فَقَامُوا إِلَى رَسُولِ اللَّهِ ﷺ فَغَسَلُوهُ وَعَلَيْهِ قَمِيصُهُ يَصُبُّونَ الْمَاءَ فَوْقَ الْقَمِيصِ وَيَذْلُكُونَهُ بِالْقَمِيصِ دُونَ أَيْدِيهِمْ، وَكَانَتْ عَائِشَةُ تَقُولُ: لَوْ اسْتَقْبَلْتُ مِنْ أَمْرِي مَا اسْتَدْبَرْتُ مَا غَسَلَهُ إِلَّا نِسَاؤُهُ.

تخريج: [إسناده حسن] أخرجه ابن ماجه، الجنائز، باب ما جاء في غسل الرجل امرأته وغسل المرأة زوجها، ح: ١٤٦٤ من حديث محمد بن إسحاق به مختصراً، وصححه البوصيري وابن حبان، ح: ٢١٥٦، ٢١٥٧ وابن الجارود، ح: ٥١٧ والحاكم على شرط مسلم: ٥٩/٣ ووافقه

الذهبي وحسنه ابن الملقن في تحفة المحتاج، ح: ٧٦٨ وصححه البيهقي في الدلائل: ٧/ ٢٤٢.

Comments:

1. It is not allowed to unveil or expose the entire body of the deceased when washing him or her. We are commanded to cover the concealable parts of the body of the deceased.
2. It is permissible for the husband to wash his wife, and for the wife to wash her husband.

Chapter 28, 29. How The Deceased Is To Be Washed

(المعجم ٢٨، ٢٩) بَابُ: كَيْفَ غُسْلُ

الْمَيِّتِ (التحفة ٣٣)

3142. It was narrated from Muḥammad bin Sīrīn, from Umm ‘Aṭīyah, that she said: “The Messenger of Allāh ﷺ entered upon us when his daughter died and said: ‘Wash her three or five times, or more than that, if you see fit, with water and lote leaves, and put camphor (in the water) the last time, or a little camphor. And when you have finished, call me.’ When we had finished, we called him, and he gave us his *Haqwa* and said: Put it next to her body.” (Ṣaḥīḥ)

(Abū Dāwud) said: Mālik said: “Meaning his *Izār*”^[1] and Musad-dad did not say: “entered upon us.”

٣١٤٢ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ؛ ح: وَحَدَّثَنَا مُسَدَّدٌ حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ الْمَعْنَى عَنْ أَيُّوبَ، عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: دَخَلَ عَلَيْنَا رَسُولُ اللَّهِ ﷺ حِينَ تُوُفِّيَتْ ابْنَتُهُ فَقَالَ: «اغْسِلْنَهَا ثَلَاثًا أَوْ خَمْسًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتُمْ ذَلِكَ بِمَاءٍ وَسِدْرٍ وَاجْعَلْنَ فِي الْأَجِرَةِ كَافُورًا أَوْ شَيْئًا مِنْ كَافُورٍ، فَإِذَا فَرَعْتُمْ فَأَذِّنِي»، فَلَمَّا فَرَعْنَا أَذْنَاهُ، فَأَعْطَانَا حَقْوَهُ، فَقَالَ: «أَشْعِرْنَهَا إِيَّاهُ».

قَالَ [أَبُو دَاوُدَ] عَنْ مَالِكٍ: تَعْنِي إِزَارَهُ وَلَمْ يَقُلْ مُسَدَّدٌ: دَخَلَ عَلَيْنَا.

تخريج: أخرجه البخاري، الجنائز، باب غسل الميت ووضوئه بالماء والسدر، ح: ١٢٥٣ ومسلم، الجنائز، باب: في غسل الميت، ح: ٩٣٩ من حديث مالك به وهو في الموطأ (يحيى): ٢٢٢/١.

Comments:

1. It is a *Sunnah* to wash the deceased person at least thrice. If considered necessary, he may even be washed five times or more.
2. It is preferable to put some leaves of a lote tree while boiling the water for washing the dead. It is, likewise, desirable to put some camphor in the water in the last phase of washing.

^[1] That is, explaining the meaning of the word *Haqwa*, also pronounced *Hiqā* see no. 3156.

3143. (Another chain) from Muḥammad bin Sīrīn, from his sister Ḥaḥṣah, from Umm ‘Aṭiyyah, who said: "...And we braided her hair in three braids." (*Ṣaḥīḥ*)

٣١٤٣ - حَدَّثَنَا أَحْمَدُ بْنُ عَبْدِ وَابُو كَامِلٍ بِمَعْنَى الْإِسْنَادِ أَنَّ يَزِيدَ بْنَ زُرَيْعٍ حَدَّثَهُمْ قَالَ: حَدَّثَنَا أَيُّوبُ عَنْ مُحَمَّدِ بْنِ سِيرِينَ، عَنْ حَفْصَةَ أُخْتِهِ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: مَسَطْنَاهَا ثَلَاثَةَ قُرُونٍ.

تخريج: أخرجه مسلم، الجنائز، باب: في غسل الميت، ح: ٩٣٩ من حديث يزيد بن زريع به.

3144. It was narrated from Ayyūb, from Ḥaḥṣah bint Sīrīn, from Umm ‘Aṭiyyah, who said: "We braided her hair in three braids, and put them behind her, one from the front and two from the sides." (*Ṣaḥīḥ*)

٣١٤٤ - حَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا عَبْدُ الْأَعْلَى: حَدَّثَنَا هِشَامٌ عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: وَصَفَرْنَا رَأْسَهَا ثَلَاثَةَ قُرُونٍ ثُمَّ أَلْقَيْنَاهَا خَلْفَهَا مُقَدَّم رَأْسَهَا وَفَرْنَاهَا.

تخريج: أخرجه البخاري، الجنائز، باب: يلقي شعر المرأة خلفها، ح: ١٢٦٣ ومسلم، الجنائز، باب: في غسل الميت، ح: ٩٣٩ من حديث هشام بن حسان به.

3145. It was narrated from Khālīd, from Ḥaḥṣah bint Sīrīn, from Umm ‘Aṭiyyah that the Messenger of Allāh ﷺ said to them, concerning washing his daughter: "Start on her right side, and the places of *Wuḍū’*." (*Ṣaḥīḥ*)

٣١٤٥ - حَدَّثَنَا أَبُو كَامِلٍ: حَدَّثَنَا إِسْمَاعِيلُ: حَدَّثَنَا خَالِدٌ عَنْ حَفْصَةَ بِنْتِ سِيرِينَ، عَنْ أُمِّ عَطِيَّةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ لَهْنٍ فِي غَسْلِ ابْنَتِهِ: «ابْدَأْ بِمَيمَانِهَا وَمَوَاضِعِ الْوُضُوءِ مِنْهَا».

تخريج: أخرجه البخاري، الوضوء، باب التيمن من الوضوء والغسل، ح: ١٦٧ ومسلم، الجنائز، باب: في غسل الميت، ح: ٩٣٩/٤٣ من حديث إسماعيل ابن علي به.

3146. (Another chain) from Ayyūb, from Muḥammad, from Umm ‘Aṭiyyah, with the meaning of the *Ḥadīth* of Mālik (no. 3142).

In the *Ḥadīth* of Ḥaḥṣah from Umm ‘Aṭiyyah, which is similar, he added: "Or seven, or more than that if you see fit." (*Ṣaḥīḥ*)

٣١٤٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عُيَيْدٍ: حَدَّثَنَا حَبَّادٌ عَنْ أَيُّوبَ، عَنْ مُحَمَّدٍ، عَنْ أُمِّ عَطِيَّةَ بِمَعْنَى حَدِيثِ مَالِكٍ.

زَادَ فِي حَدِيثِ حَفْصَةَ عَنْ أُمِّ عَطِيَّةَ بَنَحُو هَذَا. وَزَادَتْ فِيهِ: «أَوْ سَبْعًا أَوْ أَكْثَرَ مِنْ ذَلِكَ إِنْ رَأَيْتُمْ ذَلِكَ».

تخريج: [صحيح]، انظر، ح: ٣١٤٢.

Comments:

It is extremely important to know the rules of washing the deceased.

3147. (Another chain) from Muḥammad bin Sīrīn that he learned how to wash the deceased from Umm ‘Aṭiyyah. He washed with lotus leaves twice, and the third time with water and camphor. (Da‘īf)

٣١٤٧ - حَدَّثَنَا هُدْبَةُ بْنُ خَالِدٍ: حَدَّثَنَا هَمَّامٌ: حَدَّثَنَا قَتَادَةُ عَنْ مُحَمَّدِ بْنِ سِيرِينَ: أَنَّهُ كَانَ يَأْخُذُ الْغُسْلَ عَنْ أُمِّ عَطِيَّةَ، يَغْسِلُ بِالسَّدْرِ مَرَّتَيْنِ وَالثَّلَاثَةَ بِالْمَاءِ وَالْكَافُورِ.

تخريج: [إسناده ضعيف] انظر، ح: ٣١٤٢ وأخرجه البيهقي: ٣/٣٨٩ من حديث أبي داود به * قتادة عنن، ح: ٣١٤٢ يعني عنه.

Chapter 29, 30. About Shrouding

(المعجم ٢٩، ٣٠) بَابُ: فِي الْكَفَنِ
(التحفة ٣٤)

3148. It was narrated from Abū Az-Zubair, that he heard Jābir bin ‘Abdullāh narrating from the Prophet ﷺ, that he gave a *Khutbah* one day and mentioned one of his Companions who had died, and had been shrouded in cloth of poor quality, and buried at night. The Prophet ﷺ said that no man should be buried at night before the funeral prayer had been performed for him, except if one was forced to do that. And the Prophet ﷺ said: “When one of you shrouds his brother, let him use a shroud of good quality.” (Ṣaḥīḥ)

٣١٤٨ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا ابْنُ جُرَيْجٍ عَنْ أَبِي الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يُحَدِّثُ عَنِ النَّبِيِّ ﷺ أَنَّهُ خَطَبَ يَوْمًا فَذَكَرَ رَجُلًا مِنْ أَصْحَابِهِ فُيْضَ فَكَفَّنَ فِي كَفْنٍ غَيْرِ طَائِلٍ وَقَبِرَ لَيْلًا فَزَجَرَ النَّبِيُّ ﷺ أَنْ يُقْبَرَ الرَّجُلُ بِاللَّيْلِ حَتَّى يُصَلَّى عَلَيْهِ إِلَّا أَنْ يَضْطَرَّ إِنْسَانٌ إِلَى ذَلِكَ، وَقَالَ النَّبِيُّ ﷺ: «إِذَا كَفَّنَ أَحَدُكُمْ أَخَاهُ فَلْيُحْسِنْ كَفَنَهُ».

تخريج: أخرجه مسلم، الجنائز، باب: في تحسين كفن الميت، ح: ٩٤٣ من حديث ابن جريج به وهو في مسند أحمد: ٣/٢٩٥.

Comments:

It does not mean giving an expensive shroud, but only a simple, neat and clean shroud.

3149. It was narrated from Al-Qāsim bin Muḥammad, from ‘Āishah who said: “The Messenger of Allāh ﷺ was shrouded in a *Hibarah* (striped Yemeni) cloth, then it was removed.” (*Ṣaḥīh*)

٣١٤٩ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا الْوَلِيدُ بْنُ مُسْلِمٍ: حَدَّثَنَا الْأَوْزَاعِيُّ: حَدَّثَنَا الزُّهْرِيُّ عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ، عَنْ عَائِشَةَ قَالَتْ: أَدْرَجَ رَسُولُ اللَّهِ ﷺ فِي ثَوْبٍ جَبْرَةَ ثُمَّ أَخْرَجَهُ عَنْهُ.

تخريج: [صحيح] أخرجه البيهقي في دلائل النبوة: ٢٤٨/٧ من حديث أبي داود به، وهو في مسند أحمد: ١٦١/٦ وله شاهد عند مسلم، ح: ٩٤١.

3150. It was narrated from Wahab, meaning Ibn Munabbih, from Jābir who said: “I heard the Messenger of Allāh ﷺ say: ‘If one of you dies and can afford it, let him be shrouded in a *Hibarah* (striped Yemeni) cloth.’” (*Ḥasan*)

٣١٥٠ - حَدَّثَنَا الْحَسَنُ بْنُ الصَّبَّاحِ الْبَرَاءُ: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ عَبْدِ الْكَرِيمِ: حَدَّثَنِي إِبْرَاهِيمُ بْنُ عَقِيلٍ عَنْ مَعْقِلٍ عَنْ أَبِيهِ، عَنْ وَهْبٍ يَعْنِي ابْنَ مُثَنٍّ، عَنْ جَابِرٍ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «إِذَا تُوفِّيَ أَحَدُكُمْ فَوَجَدَ شَيْئًا فَلْيَكْفِفْ فِي ثَوْبٍ جَبْرَةَ».

تخريج: [إسناده حسن] أخرجه البيهقي في السنن الكبرى: ٤٠٣/٣ من حديث أبي داود به، وحسنه الحافظ ابن حجر في التلخيص الحبير: ١٠٨/٢ وللحديث شاهد عند أحمد: ٣١٩/٣.

3151. It was narrated from Hishām who said: “My father informed me, he said: “Āishah informed me, saying: The Messenger of Allāh ﷺ was shrouded in three pieces of white Yemeni cloth, among which there was no *Qamīṣ* nor *Imāmāh*.””^[1] (*Ṣaḥīh*)

٣١٥١ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا يَحْيَى بْنُ سَعِيدٍ عَنْ هِشَامٍ قَالَ: أَخْبَرَنِي أَبِي قَالَ: أَخْبَرْتَنِي عَائِشَةُ قَالَتْ: كَفَّنَ رَسُولُ اللَّهِ ﷺ فِي ثَلَاثَةِ أَثْوَابٍ بَيَاضٍ لَيْسَ فِيهَا قَمِيصٌ وَلَا عِمَامَةٌ.

تخريج: أخرجه البخاري، الجنائز، باب الكفن بغير قميص، ح: ١٢٧٢ من حديث يحيى القطان ومسلم، الجنائز، باب: في كفن الميت، ح: ٩٤١ من حديث هشام بن عروة به.

3152. (Another chain) from Hishām bin ‘Urwah, from his father from ‘Āishah (similar to no. 3151). He added: “Of cotton.”

٣١٥٢ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا حَفْصٌ عَنْ هِشَامِ بْنِ عُرْوَةَ، عَنْ أَبِيهِ، عَنْ

^[1] Meaning, headcover or turban, or the like.

Their saying "In two pieces of cloth and a *Hibarāh Burd*" was mentioned to 'Āishah and she said: "The *Burd* was brought, but they gave it back, and did not shroud him in it." (*Ṣaḥīḥ*)

عَائِشَةُ مِثْلَهُ. زَادَ: مِنْ كُرْسُفٍ قَالَ: فَذُكِرَ لِعَائِشَةَ قَوْلُهُمْ: «فِي ثَوْبَيْنِ وَتُرْدٍ حَبْرَةٍ» فَقَالَتْ: قَدْ أُبِيَ بِالْبُرْدِ، وَلَكِنَّهُمْ رَدُّوهُ وَلَمْ يَكْفُوهُ فِيهِ.

تخريج: [صحيح] انظر الحديث السابق ورواه مسلم من حديث حفص به.

3153. It was narrated that Ibn 'Abbās said: "The Messenger of Allāh ﷺ was shrouded in three pieces of Najrānī cloth, the two pieces of the *Hullah* and his *Qamīṣ* that he died in." (*Daʿīf*)

Abū Dāwud said: 'Uthmān (one of the narrators) said: "In three pieces of cloth: 'A red *Hullah* and his *Qamīṣ* that he had died in."

٣١٥٣ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ وَعُثْمَانُ ابْنُ أَبِي شَيْبَةَ قَالَا: حَدَّثَنَا ابْنُ إِدْرِيسَ عَنْ يَزِيدَ يَعْنِي ابْنَ أَبِي زَيْادٍ، عَنْ مِقْسَمٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: كُفِّنَ رَسُولُ اللَّهِ ﷺ فِي ثَلَاثَةِ أَثْوَابٍ نَجْرَانِيَّةٍ: الْحُلَّةُ: ثَوْبَانِ، وَقَمِيصُهُ الَّذِي مَاتَ فِيهِ.

قَالَ أَبُو دَاوُدَ: قَالَ عُثْمَانُ: فِي ثَلَاثَةِ أَثْوَابٍ، حُلَّةٍ حَمْرَاءَ، وَقَمِيصِهِ الَّذِي مَاتَ فِيهِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٤٠٠/٣ من حديث أبي داود به، وهو في مسند أحمد: ٢٢٢/١ وللحديث لون آخر عند ابن ماجه، ح: ١٤٧١ * يزيد بن أبي زياد: ضعيف اختلط وللحديث شواهد ضعيفة في التلخيص الحبير: ١٠٨/٢.

Chapter 30, 31. It Is Disliked To Be Extravagant In Shrouding

3154. It was narrated that 'Alī bin Abī Ṭālib, may Allāh be pleased with him, said: "Do not be extravagant in shrouding, for I heard the Messenger of Allāh ﷺ say: 'Do not be extravagant in shrouding, for it will quickly decay.'" (*Daʿīf*)

(المعجم ٣٠، ٣١) - بَابُ كَرَاهِيَةِ الْمَغَالَاةِ فِي الْكَفْنِ (التحفة ٣٥)

٣١٥٤ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ الْمُحَارِبِيُّ: حَدَّثَنَا عَمْرُو بْنُ هَاشِمٍ أَبُو مَالِكٍ الْجَنْبِيُّ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ، عَنْ عَامِرٍ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ رَضِيَ اللَّهُ عَنْهُ قَالَ: لَا تَغَالِي فِي كَفْنٍ، فَإِنِّي سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَقُولُ: «لَا تَغَالُوا فِي الْكَفْنِ فَإِنَّهُ يُسَلَبُهُ سَلْبًا سَرِيعًا».

تخریج: [إسناده ضعيف] أخرجه البيهقي: ٤٠٣/٣ من حديث أبي داود به * عمرو بن هاشم: لين الحديث وإسماعيل بن أبي خالد: عنن وفي السند انقطاع بين عامر الشعبي وعلي رضي الله عنه.

3155. It was narrated that Khabbāb said: “Muṣ‘ab bin ‘Umar was killed on the Day of Uḥud, and there was nothing (to shroud him wiht) but a *Namīrah*.^[1] When we covered his head with it, his feet were left bare, and when we covered his feet with it, his head was left bare. The Messenger of Allāh ﷺ said: “Cover his head with it, and put some *Idhkhir*^[2] on his feet.” (*Ṣaḥīḥ*)

تخریج: أخرجه البخاري، مناقب الأنصار، باب هجرة النبي ﷺ وأصحابه إلى المدينة، ح: ٣٩١٣ وح: ٦٤٣٢ عن محمد بن كثير العبدى ومسلم، الجنائز، باب: في كفن الميت، ح: ٩٤٠ من حديث سفيان الثوري به.

Comments:

1. The shroud must be from the deceased person's own property or wealth.
2. Just one sheet of cloth could as well suffice for the shroud.
3. If the cloth available for the shroud is too short, the head should be covered with the cloth and the feet with grass, etc.

3156. It was narrated from ‘Ubādah bin Aṣ-Ṣāmit that the Messenger of Allāh ﷺ said: “The best shroud is a *Hullah* and the best *Uḍḥiyyah* (sacrifice) is a horned ram.” (*Ḥasan*)

٣١٥٦ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنِي ابْنُ وَهْبٍ: حَدَّثَنِي هِشَامُ بْنُ سَعْدٍ عَنْ حَاتِمِ ابْنِ أَبِي نَضْرٍ، عَنْ عُبَادَةَ بْنِ نُسَيْبٍ عَنْ أَبِيهِ، عَنْ عُبَادَةَ بْنِ الصَّامِتِ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: «خَيْرُ الْكَفَنِ الْحُلَّةُ، وَخَيْرُ الْأُضْحِيَّةِ الْكَبْشُ الْأَقْرَنُ».

تخریج: [إسناده حسن] أخرجه ابن ماجه، الجنائز، باب ما جاء فيما يستحب من الكفن، ح: ١٤٧٣ من حديث عبدالله بن وهب به وصححه الحاكم: ٢٢٨/٤ ووافقه الذهبي، وللحديث شاهد عند الترمذي، ح: ١٥١٧.

[1] See the glossary.

[2] See the glossary.

Chapter 31, 32. Shrouding A Woman

3157. Lailā bint Qānif Ath-Thaqafiyyah said: “I was among those who washed Umm Kulthūm, the daughter of the Messenger of Allāh ﷺ, when she died. The first thing that the Messenger of Allāh ﷺ gave us was a *Hiqā*,^[1] then the *Qamīṣ*, then the *Khimār*, then the wrap, then after that she was shrouded in the last cloth. And the Messenger of Allāh ﷺ was sitting at the door with her shroud, passing it to us piece by piece.” (*Daʿīf*)

(المعجم ٣١، ٣٢) بَابُ: فِي كَفَنِ الْمَرْأَةِ
(التحفة ٣٦)

٣١٥٧ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا أَبِي عَنْ ابْنِ إِسْحَاقَ: حَدَّثَنِي نُوحُ بْنُ حَكِيمٍ الثَّقَفِيُّ، وَكَانَ قَارِئًا لِلْقُرْآنِ، عَنْ رَجُلٍ مِنْ بَنِي عُرْوَةَ ابْنِ مَسْعُودٍ يُقَالُ لَهُ: دَاوُدُ، - قَدْ وَلَدَتْهُ أُمُّ حَبِيبَةَ بِنْتُ أَبِي سُفْيَانَ زَوْجَ النَّبِيِّ ﷺ - أَنَّ لَيْلَى بِنْتَ قَانِفِ الثَّقَفِيَّةِ قَالَتْ: كُنْتُ فِيمَنْ غَسَلَ أُمَّ كُلْثُومَ ابْنَةَ رَسُولِ اللَّهِ ﷺ عِنْدَ وَفَاتِهَا، فَكَانَ أَوَّلُ مَا أَعْطَانَا رَسُولُ اللَّهِ ﷺ الْحِقَاءَ ثُمَّ الدَّرْعَ ثُمَّ الْخِمَارَ ثُمَّ الْمَلْحَفَةَ، ثُمَّ أَدْرَجَتْ بَعْدُ فِي الثُّوبِ الْآخِرِ، قَالَتْ: وَرَسُولُ اللَّهِ ﷺ جَالِسٌ عِنْدَ الْبَابِ مَعَهُ كَفَنُهَا، يُتَاوَلُهَا تَوْبًا تَوْبًا.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٦/٤ من حديث يعقوب بن إبراهيم به وهو في مسند أحمد: ٣٨٠/٦ * نوح بن حكيم: وثقه ابن حبان وحده فهو مجهول الحال، وللحديث علة قاذحة عند الزيلعي في نصب الراية: ٢/٢٥٨.

Chapter 32, 33. Musk For The Deceased

3158. It was narrated that Abū Saʿeed Al-Khudrī said: “The Messenger of Allāh ﷺ said: “The best of your perfume is musk.”” (*Ṣaḥīḥ*)

(المعجم ٣٢، ٣٣) بَابُ: فِي الْمِسْكِ
لِلْمَيِّتِ (التحفة ٣٧)

٣١٥٨ - حَدَّثَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ: حَدَّثَنَا الْمُسْتَمِرُّ بْنُ الرَّيَّانِ عَنْ أَبِي نَضْرَةَ، عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «أَطْيَبُ طِبِّكُمْ الْمِسْكُ».

تخريج: [صحيح] أخرجه النسائي، الجنائز، باب المسك، ح: ١٩٠٧ من حديث المستمير ابن الريان به وأصله عند مسلم، ح: ١٩/٢٢٥٢.

[1] See no. 3142.

Comments:

Putting some kind of perfume on the deceased is desirable. It is, however, better that it be musk.

Chapter 33, 34. Hastening With The *Janāzah* ; And It Is Disliked To Delay It

3159. It was narrated from Al-Ḥuşain bin Waḥwah that Ṭalḥah bin Al-Barā' fell ill, and the Prophet ﷺ came to visit him, and said: "I think that Ṭalḥah is dying. Tell me (when he dies) and hasten (the *Janāzah*), for it is not befitting for the body of a Muslim to be kept amidst his family." (*Da'if*)

(المعجم ٣٣، ٣٤) - بَابُ تَعْجِيلِ الْجَنَازَةِ
وَكَرَاهِيَةِ حَبْسِهَا (التحفة ٣٨)

٣١٥٩ - حَدَّثَنَا عَبْدُ الرَّحِيمِ بْنُ مُطَرِّفٍ
الرُّؤَاسِيُّ أَبُو سُفْيَانَ وَأَحْمَدُ بْنُ جَنَابٍ قَالَا:
حَدَّثَنَا عِيسَى - قَالَ أَبُو دَاوُدَ: وَهُوَ ابْنُ
يُونُسَ - عَنْ سَعِيدِ بْنِ عُثْمَانَ الْبَلَوِيِّ عَنْ
عَزْرَةَ - قَالَ عَبْدُ الرَّحِيمِ: عُرْوَةُ بْنُ سَعِيدٍ
الْأَنْصَارِيُّ - عَنْ أَبِيهِ، عَنْ الْحُصَيْنِ بْنِ
وَحْوَاحٍ: أَنَّ طَلْحَةَ بْنَ الْبَرَاءِ مَرِضَ فَأَتَاهُ النَّبِيُّ
ﷺ يُعَوِّدُهُ فَقَالَ: «إِنِّي لَا أَرَى طَلْحَةَ إِلَّا قَدْ
حَدَّثَ فِيهِ الْمَوْتُ، فَأَذْنُونِي بِهِ وَعَجِّلُوا، فَإِنَّهُ
لَا يَنْبَغِي لِجِيفَةِ مُسْلِمٍ أَنْ تُحْبَسَ بَيْنَ ظَهْرَانِي
أَهْلِهِ».

تخریج: [إسناده ضعيف] أخرجه الطبراني في الكبير: ٢٨/٤ من حديث عيسى بن يونس به
* سعيد بن عثمان: وثقه ابن حبان وحده، وابن سعيد الأنصاري وأبوه: لم أجد من وثقهما.

Chapter 34, 35. *Ghusl* For The One Who Has Washed A Deceased Person

(المعجم ٣٤، ٣٥) - بَابُ: فِي الْغُسْلِ مِنْ
غَسْلِ الْمَيِّتِ (التحفة ٣٩)

3160. It was narrated that 'Aishah said that the Prophet ﷺ used to perform *Ghusl* for four reasons: *Janābah* (sexual impurity), Friday, after cupping, and after washing a deceased person. (*Hasan*)

٣١٦٠ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ:
حَدَّثَنَا مُحَمَّدُ بْنُ بَشْرٍ: حَدَّثَنَا زَكَرِيَّا: حَدَّثَنَا
مُضْعَبُ بْنُ شَيْبَةَ عَنْ طَلْقِ بْنِ حَبِيبٍ
الْعَنْزِيُّ، عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ
أَنَّهَا حَدَّثَتْهُ: أَنَّ النَّبِيَّ ﷺ كَانَ يَغْتَسِلُ مِنْ
أَرْبَعٍ: مِنَ الْجَنَابَةِ، وَيَوْمَ الْجُمُعَةِ، وَمِنْ
الْحِجَامَةِ، وَغَسْلِ الْمَيِّتِ.

تخریج: [حسن] تقدم، ح: ٣٤٨، ورواه ابن خزيمة، ح: ٢٥٦ من حديث محمد بن بشر به.

3161. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: “Whoever washes a deceased person, let him perform *Ghusl*, and whoever carries him, let him perform *Wudū*.” (*Hasan*)

٣١٦١ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ أَبِي ذُئْبٍ عَنْ الْقَاسِمِ بْنِ عَبَّاسٍ، عَنْ عَمْرِو بْنِ عُثَيْرٍ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «مَنْ غَسَلَ الْمَيِّتَ فَلْيَغْتَسِلْ، وَمَنْ حَمَلَهُ فَلْيَتَوَضَّأْ».

تخریج: [حسن] أخرجه البيهقي: ٣٠٣/١ من حديث أبي داود به وعلقه البخاري في التاريخ الكبير: ٣٥٥/٦، ٣٥٦ وللحديث شواهد منها الحديث الآتي.

Comments:

As will be seen from the *Aḥādīth* narrated from Ibn ‘Abbās and Ibn ‘Umar, the action suggested here is recommended, but not mandatory.

3162. It was narrated from Suhail bin Abī Ṣāliḥ, from his father, from Ishāq, the freed slave of Zā‘idah, from Abū Hurairah, from the Prophet ﷺ, with its meaning (similar to no. 3160). (*Hasan*)

Abū Dāwud said: This was abrogated. I heard Aḥmad bin Ḥanbal say, when he was asked about *Ghusl* after washing a deceased person: “*Wudū*’ is sufficient.”

Abū Dāwud said: In this *Ḥadīth* Abū Ṣāliḥ entered a narrator between himself and Abū Hurairah, meaning Ishāq, the freed slave of Zā‘idah. He (Abū Dāwud) said: And the *Ḥadīth* of Muṣ‘ab^[1] is weak, containing things that are not acted upon.

٣١٦٢ - حَدَّثَنَا حَامِدُ بْنُ يَحْيَى عَنْ سُفْيَانَ، عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ، عَنْ أَبِيهِ، عَنْ إِسْحَاقَ مَوْلَى زَائِدَةَ، عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ ﷺ بِمَعْنَاهُ.

قَالَ أَبُو دَاوُدَ: هَذَا مَنْسُوخٌ، وَسَمِعْتُ أَحْمَدَ بْنَ حَنْبَلٍ، وَسُئِلَ عَنِ الْغُسْلِ مِنْ غَسَلِ الْمَيِّتِ فَقَالَ: يُجْزِيهِ الْوُضُوءُ.

قَالَ أَبُو دَاوُدَ: أَدْخَلَ أَبُو صَالِحٍ بَيْنَهُ وَبَيْنَ أَبِي هُرَيْرَةَ فِي هَذَا الْحَدِيثِ يَعْنِي إِسْحَاقَ مَوْلَى زَائِدَةَ قَالَ: وَحَدِيثُ مُصْعَبٍ ضَعِيفٌ فِيهِ خِصَالٌ لَيْسَ الْعَمَلُ عَلَيْهِ.

تخریج: [حسن] انظر الحديث السابق وللحديث شواهد عند الترمذي، ح: ٩٩٣ وغيره والحديث معمول به والحمد لله.

^[1] Meaning Muṣ‘ab bin Abi Dhi‘b, one of the narrators of no. 3161.

Chapter 35, 36. Kissing The Deceased

(المعجم ٣٥، ٣٦) بَابُ: فِي تَقْبِيلِ
الْمَيِّتِ (التحفة ٤٠)

3163. It was narrated that ‘Āishah said: “I saw the Messenger of Allāh ﷺ kissing ‘Uthmān bin Maz‘ūn when he had died, and I saw his tears flowing.” (*Da‘if*)

٣١٦٣ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا
سُفْيَانُ عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ، عَنْ
الْقَاسِمِ، عَنْ عَائِشَةَ قَالَتْ: رَأَيْتُ رَسُولَ اللَّهِ
ﷺ يَقْبَلُ عُثْمَانَ بْنَ مَظْعُونٍ وَهُوَ مَيِّتٌ حَتَّى
رَأَيْتُ الدَّمْعَ تَسِيلُ.

تخریج: [إسناده ضعيف] أخرجه الترمذي، الجنائز، باب ما جاء في تقبيل الميت، ح: ٩٨٩ وابن ماجه، ح: ١٤٥٦ من حديث سفیان به، وقال الترمذي: "حسن صحيح" * عاصم بن عبيد الله ضعيف وللحديث شواهد عند البزار (كشف): ٨٠٦ وأبي نعيم في الحلية: ١٠٥/١ وغيرهما.

Comments:

Kissing the deceased is not an improper or objectionable act.

Chapter 36, 37. Burial At Night

(المعجم ٣٦، ٣٧) بَابُ: فِي الدَّفْنِ
بِاللَّيْلِ (التحفة ٤١)

3164. Jābir bin ‘Abdullāh said: “The people saw a fire (light) in the graveyard and they came, and they saw that the Messenger of Allāh ﷺ was in a grave and he was saying; ‘Give me your companion.’ It was a man who used to raise his voice in *Dhikr*.” (*Hasan*)

٣١٦٤ - حَدَّثَنَا مُحَمَّدُ بْنُ حَاتِمٍ بْنِ بَزِيعٍ:
حَدَّثَنَا أَبُو نُعَيْمٍ عَنْ مُحَمَّدِ بْنِ مُسْلِمٍ، عَنْ
عَمْرِو بْنِ دِينَارٍ قَالَ: أَخْبَرَنِي جَابِرُ بْنُ عَبْدِ
اللَّهِ - أَوْ: سَمِعْتُ جَابِرَ بْنَ عَبْدِ اللَّهِ - قَالَ:
رَأَى نَاسٌ نَارًا فِي الْمَقْبَرَةِ فَاتَوَّهَ إِذَا رَسُولُ
اللَّهِ ﷺ فِي الْقَبْرِ وَإِذَا هُوَ يَقُولُ: «نَاوِلُونِي
صَاحِبَكُمْ» فَإِذَا هُوَ الرَّجُلُ الَّذِي كَانَ يَرْفَعُ
صَوْتَهُ بِالذِّكْرِ.

تخریج: [إسناده حسن] أخرجه البيهقي: ٥٣، ٣١/٤ من حديث أبي نعيم به وصححه ابن الملن في تحفة المحتاج، ح: ٨٨١ والحاكم على شرط مسلم: ٣٦٨/١ ووافقه الذهبي * محمد بن مسلم الطائفي حسن الحديث، وثقه الجمهور.

Comments:

Depending on the expediency of the situation, the deceased may even be buried during the night. The reasons for the displeasure of the Prophet ﷺ as reported in the previous *Hadith* and others, was that the burial was done

without informing the Prophet ﷺ or requesting him to lead the funeral prayer.

Chapter 37, 38. Moving The Deceased From One Land To Another — Which Is Disliked

(المعجم ٣٧، ٣٨) بَابُ: فِي الْمَيِّتِ
يُحْمَلُ مِنْ أَرْضٍ إِلَى أَرْضٍ وَكَرَاهَةِ
ذَلِكَ (التحفة ٤٢)

3165. It was narrated that Jābir bin ‘Abdullāh said: “We were moving the slain on the Day of Uhud in order to bury them, and the caller of the Prophet ﷺ came and said: ‘The Messenger of Allāh ﷺ is commanding you to bury the slain where they fell.’ So we took them back.” (*Ṣaḥīḥ*)

٣١٦٥ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا
سُفْيَانُ عَنْ الْأَسْوَدِ بْنِ قَيْسٍ، عَنْ نُسَيْجٍ عَنْ
جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ: كُنَّا حَمَلْنَا الْقَتْلَى يَوْمَ
أُحُدٍ لِنُدْفِنَهُمْ فَجَاءَ مُنَادِي النَّبِيِّ ﷺ فَقَالَ: إِنَّ
رَسُولَ اللَّهِ ﷺ يَأْمُرُكُمْ أَنْ تَدْفِنُوا الْقَتْلَى فِي
مَضَاجِعِهِمْ، فَرَدَدْنَاهُمْ.

تخریج: [صحيح] أخرجه ابن ماجه، الجنائز، باب ما جاء في الصلاة على الشهداء ودفنهم، ح: ١٥١٦ من حديث سفیان به ورواه النسائي، ح: ٢٠٠٧ والترمذي، ح: ١٧١٧ وقال: "حسن صحيح" وصححه ابن الجارود، ح: ٥٥٣ وابن حبان، ح: ٧٧٤، ٧٧٥.

Comments:

Moving the deceased from one place to another after burial is not desirable. There is however, no harm in moving the deceased to another place before burial. It is desirable to bury the martyrs at the very place they met their martyrdom.

Chapter 38, 39. Rows In The Funeral Prayer

(المعجم ٣٨، ٣٩) بَابُ: فِي الصَّفِّ
عَلَى الْجَنَازَةِ (التحفة ٤٣)

3166. It was narrated that from Marthad Al-Yazani, from Mālik bin Hubairah who said: “The Messenger of Allāh ﷺ said: ‘There is no one who dies, and three rows of Muslims offer the funeral prayer for him, but (Paradise) is his due.’” If Mālik regarded the attendees at a funeral as too few, he would divide them into three rows, because of this *Ḥadīth*. (*Da‘if*)

٣١٦٦ - حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ: حَدَّثَنَا
حَمَّادٌ عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ يَزِيدَ بْنِ
أَبِي حَبِيبٍ، عَنْ مَرْثَدِ بْنِ الْيَزِيدِ، عَنْ مَالِكِ بْنِ
هُبَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَا مِنْ
مَيِّتٍ يَمُوتُ فَيُصَلِّي عَلَيْهِ ثَلَاثَةُ صُفُوفٍ مِنْ
الْمُسْلِمِينَ إِلَّا أَوْجَبَ». قَالَ: فَكَانَ مَالِكٌ إِذَا
اسْتَقَلَّ أَهْلَ الْجَنَازَةِ جَزَأَهُمْ ثَلَاثَةَ صُفُوفٍ
لِلْحَدِيثِ.

تخریج: [إسناده ضعيف] أخرجه الترمذي، الجنائز، باب: كيف الصلاة على الميت

والشفاعة له، ح: ١٠٢٨ وابن ماجه، ح: ١٤٩٠ من حديث محمد بن إسحاق بن يسار به، وقال الترمذي: "حسن" وصححه الحاكم: ٣٦٢/١، ٣٦٣ ووافقه الذهبي * محمد بن إسحاق عنن وللحديث علة أخرى قادمة.

Chapter 39, 40. Women Accompanying The *Janāzah*

(المعجم ٣٩، ٤٠) - بَابُ اتِّبَاعِ النِّسَاءِ
الْجَنَازَةَ (التحفة ٤٤)

3167. It was narrated that Umm 'Atiyyah said: "We were forbidden to follow the *Janāzah*, but this was not emphasized." (*Ṣaḥīḥ*)

٣١٦٧ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَّادٌ عَنْ أُيُوبَ، عَنْ حَفْصَةَ، عَنْ أُمِّ عَطِيَّةَ قَالَتْ: نُهَيْتَنَا أَنْ نَتَّبِعَ الْجَنَائِزَ وَلَمْ يُعْزَمَ عَلَيْنَا.

تخريج: أخرجه البخاري، الحيض، باب الطيب للمرأة عند غسلها من الحيض، ح: ٣١٣ من حديث حماد بن زيد به مطولاً ورواه مسلم، الطلاق، باب وجوب الإحداد في عدة الوفاة ... إلخ، ح: ٩٣٨ بعد، ح: ١٤٩١ من حديث أيوب السخيتاني رحمه الله.

Comments:

It is certainly better that women do not follow the *Janāzah*. If they do, they must fulfill all the requirements of *Shari'ah* in this regard, meaning that there be no violation of the rules of *Hijāb*, no demonstration of impatience and no wailing or show of mourning.

Chapter 40, 41. The Virtue Of Performing The Funeral Prayer And Accompanying The *Janāzah*

(المعجم ٤٠، ٤١) - بَابُ فَضْلِ الصَّلَاةِ
عَلَى الْجَنَازَةِ وَتَشْيِيعِهَا (التحفة ٤٥)

3168. It was narrated that Abū Hurairah said, narrating it (from the Prophet ﷺ): "Whoever follows the *Janāzah* and performs the funeral prayer, he will have one *Qirāṭ* and whoever follows it until (the burial) is finished, he will have two *Qirāṭs*, the smaller of which is like *Uḥuds*" — or "one of which is like *Uḥud*." (*Ṣaḥīḥ*)

٣١٦٨ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُلَيْمَانُ عَنْ سَمِيِّ عَنْ أَبِي صَالِحٍ، عَنْ أَبِي هُرَيْرَةَ يَرْوِيهِ قَالَ: «مَنْ تَبَعَ جَنَازَةً فَصَلَّى عَلَيْهَا فَلَهُ قِيرَاطٌ، وَمَنْ تَبِعَهَا حَتَّى يُفْرَغَ مِنْهَا فَلَهُ قِيرَاطَانِ أَصْغَرُهُمَا مِثْلُ أَحَدٍ أَوْ أَحَدُهُمَا مِثْلُ أَحَدٍ».

تخريج: [إسناده صحيح] أخرجه الحميدي في مسنده، ح: ١٠٢٧ عن سفيان بن عيينة به، ورواه مسلم، ح: ٤٥/٩٤٥ من حديث أبي صالح.

3169. Dāwud bin ‘Āmir bin Sa’d bin Abī Waqqāṣ narrated that his father was with Ibn ‘Umar bin Al-Khaṭṭāb, when Khabbāb, the owner of the *Maqsūrah*^[1] came and said: “O ‘Abdullāh bin ‘Umar, have you not heard what Abū Hurairah is saying, that he heard the Messenger of Allāh ﷺ say: ‘Whoever goes out with the *Janāzah* from its house and offers the funeral prayer...’” and he mentioned a *Hadīth* like (a narrator in no. 3168) that of Sufyān. Ibn ‘Umar sent word to ‘Āishah, and she said: Abū Hurairah spoke the truth. (*Ṣaḥīh*)

٣١٦٩ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ وَعَبْدُ الرَّحْمَنِ بْنُ حُسَيْنٍ الْهَرَوِيُّ قَالَا: حَدَّثَنَا الْمُقْرِيُّ: حَدَّثَنَا حَيَّوَةُ: حَدَّثَنِي أَبُو صَخْرٍ - وَهُوَ حُمَيْدُ بْنُ زِيَادٍ - أَنَّ يَزِيدَ بْنَ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ حَدَّثَهُ أَنَّ دَاوُدَ بْنَ غَامِرٍ بْنِ سَعْدِ بْنِ أَبِي وَقَاصٍ حَدَّثَهُ عَنْ أَبِيهِ: أَنَّهُ كَانَ عِنْدَ ابْنِ عُمَرَ بْنِ الْخَطَّابِ إِذْ طَلَعَ خَبَّابُ صَاحِبُ الْمَقْصُورَةِ فَقَالَ: يَا عَبْدَ اللَّهِ بْنَ عُمَرَ؛ أَلَا تَسْمَعُ مَا يَقُولُ أَبُو هُرَيْرَةَ إِنَّهُ سَمِعَ رَسُولَ اللَّهِ ﷺ يَقُولُ: «مَنْ خَرَجَ مَعَ جَنَازَةٍ مِنْ بَيْتِهَا وَصَلَّى عَلَيْهَا»، فَذَكَرَ مَعْنَى حَدِيثِ سُفْيَانَ، فَأَرْسَلَ ابْنُ عُمَرَ إِلَى عَائِشَةَ فَقَالَتْ: صَدَقَ أَبُو هُرَيْرَةَ.

تخریج: أخرجه مسلم، الجنائز، باب فضل الصلاة على الجنازة واتباعها، ح: ٩٤٥ من حديث أبي عبد الرحمن عبد الله بن يزيد المقرئ به.

3170. It was narrated that Ibn ‘Abbās said: “I heard the Prophet ﷺ say: ‘There is no Muslim who dies, and forty men, who do not associate anything with Allāh, attend his funeral, but their intercession for him will be accepted.’” (*Ṣaḥīh*)

٣١٧٠ - حَدَّثَنَا الْوَلِيدُ بْنُ شُجَاعٍ السَّكُونِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ: أَخْبَرَنِي أَبُو صَخْرٍ عَنْ شَرِيكَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي نَمِرٍ، عَنْ كُرَيْبٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: سَمِعْتُ النَّبِيَّ ﷺ يَقُولُ: «مَا مِنْ مُسْلِمٍ يَمُوتُ فَيَقُومُ عَلَى جَنَازَتِهِ أَرْبَعُونَ رَجُلًا لَا يُشْرِكُونَ بِاللَّهِ شَيْئًا إِلَّا شَفَعُوا فِيهِ».

تخریج: أخرجه مسلم، الجنائز، باب من صلى عليه أربعون شفَعوا به، ح: ٩٤٨ عن الوليد ابن شجاع به مطولاً.

^[1] A large compound fortified by walls, as if it is a fortress, or fortified small village of homes.

Chapter 41, 42. Carrying Fire With The *Janāzah*

3171. It was narrated from Abū Hurairah that the Prophet ﷺ said: “The *Janāzah* should not be followed with any sound (i.e., wailing) or with fire (i.e., incense and so on).” (*Daʿīf*)

Abū Dāwud said: Hārūn (one of the narrators) added: “And it should not be preceded (with those things) either.”

(المعجم ٤١، ٤٢) بَابُ: فِي اتِّبَاعِ
الْمَيِّتِ بِالنَّارِ (التحفة ٤٦)

٣١٧١ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ:
حَدَّثَنَا عَبْدُ الصَّمَدِ؛ ح: وَحَدَّثَنَا ابْنُ الْمُثَنَّى:
حَدَّثَنَا أَبُو دَاوُدَ قَالَ: حَدَّثَنَا حَرْبٌ يَعْنِي ابْنَ
شَدَّادٍ: حَدَّثَنَا يَحْيَى: حَدَّثَنِي بَابُ بْنُ عُمَيْرٍ:
حَدَّثَنِي رَجُلٌ مِنْ أَهْلِ الْمَدِينَةِ عَنْ أَبِيهِ، عَنْ
أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ ﷺ قَالَ: «لَا تُتْبَعُ
الْجَنَازَةُ بِصَوْتٍ وَلَا نَارٍ».
قَالَ أَبُو دَاوُدَ: زَادَ هَارُونُ: «وَلَا يُمَشَى
بَيْنَ يَدَيْهَا».

تخريج: [إسناده ضعيف] أخرجه أحمد: ٥٢٨/٢ عن عبد الصمد به * باب بن عمير: وثقه ابن حبان وحده ورجل من أهل المدينة وأبوه: مجهولان.

Comments:

There should be no mourners with the funeral procession. It is also prohibited to carry fire along with the procession such as the Christians do, when they carry torches on such occasions, or how people do when they light incense or the like on graves.

Chapter 42, 43. Standing Up For A Funeral

(المعجم ٤٢، ٤٣) - بَابُ الْقِيَامِ لِلْجَنَازَةِ
(التحفة ٤٧)

3172. It was narrated from ‘Āmir bin Rabī’ah, narrating from the Prophet ﷺ: “If you see a funeral, stand up for it until it passes you or (the the deceased) is put down.” (*Sahīh*)

٣١٧٢ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفْيَانُ عَنْ
الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ، عَنْ غَامِرِ بْنِ
رَبِيعَةَ يُلْقِيهِ النَّبِيُّ ﷺ: «إِذَا رَأَيْتُمْ جَنَازَةً
فَقُومُوا لَهَا حَتَّى تُخَلَّفَكُمْ أَوْ تَوْضَعَ».

تخريج: أخرجه البخاري، الجنائز، باب القيام للجنائز، ح: ١٣٠٧، ومسلم، الجنائز، باب القيام للجنائز، ح: ٩٥٨ من حديث سفیان بن عیینة به.

Comments:

However, other *Ahādīth* have it that the Prophet ﷺ later commanded the people to sit and not stand on the occasion. It is on this basis that *Shāikh* Al-Albānī considers the earlier order to stand for the funeral as abrogated. Other scholars, however, consider both the options as permitted.

3173. It was narrated from the son of Abū Sa'eed Al-Khudrī that his father said: "The Messenger of Allāh ﷺ said: 'If you follow a *Janāzah*, do not sit down until it is put down.'" (*Ṣaḥīḥ*)

Abū Dāwud said: *Ath-Thawrī* narrated this *Ḥadīth* from Suhail, from his father, from Abū Hurairah, and he said in it: "Until it is placed on the ground." Abū Mu'āwiyah narrated it from Suhail, and he said: "Until it is placed in the *Laḥd*."

Abū Dāwud said: Sufyān had a better memory than Abū Mu'āwiyah.

٣١٧٣ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا سُهَيْلُ بْنُ أَبِي صَالِحٍ عَنْ ابْنِ أَبِي سَعِيدٍ الْخُدْرِيِّ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «إِذَا تَبِعْتُمُ الْجَنَازَةَ فَلَا تَجْلِسُوا حَتَّى تُوَضَّعَ».

قَالَ أَبُو دَاوُدَ: رَوَى الثَّوْرِيُّ هَذَا الْحَدِيثَ عَنْ سُهَيْلٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ قَالَ فِيهِ: «حَتَّى تُوَضَّعَ بِالْأَرْضِ». وَرَوَاهُ أَبُو مُعَاوِيَةَ عَنْ سُهَيْلٍ قَالَ: «حَتَّى تُوَضَّعَ فِي اللَّحْدِ».

قَالَ أَبُو دَاوُدَ: وَسُفْيَانُ أَحْفَظُ مِنْ أَبِي مُعَاوِيَةَ.

تخريج: [إسناده صحيح] * حديث سفیان الثوري: رواه البيهقي: ٢٦/٤.

3174. Jābir said: "We were with the Prophet ﷺ when a funeral passed by us and he stood up for it. When we went to carry it, we realized that it was the *Janāzah* of a Jew. We said: 'O Messenger of Allāh, it is the *Janāzah* of a Jew.' He said: 'Death is something that is dreadful, so when you see a funeral, stand up.'" (*Ṣaḥīḥ*)

٣١٧٤ - حَدَّثَنَا مُؤَمَّلُ بْنُ الْفَضْلِ الْحَرَائِيُّ: حَدَّثَنَا الْوَلِيدُ: حَدَّثَنَا أَبُو عَمْرِو عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ عُبيدِ اللَّهِ بْنِ مِثْصَمٍ قَالَ: حَدَّثَنِي جَابِرٌ قَالَ: كُنَّا مَعَ النَّبِيِّ ﷺ إِذْ مَرَّتْ بِنَا جَنَازَةٌ فَقَامَ لَهَا: فَلَمَّا ذَهَبْنَا لِنَحْمِلَ إِذَا هِيَ جَنَازَةٌ يَهُودِيٍّ، فَقُلْنَا: يَا رَسُولَ اللَّهِ! إِنَّمَا هِيَ جَنَازَةٌ يَهُودِيٍّ، فَقَالَ: «إِنَّ الْمَوْتَ فَرَعٌ فَإِذَا رَأَيْتُمْ جَنَازَةً فَقُومُوا».

تخريج: أخرجه البخاري، الجنائز، باب من قام لجنازة يهودي، ح: ١٣١١ ومسلم، الجنائز، باب القيام للجنازة، ح: ٩٦٠ من حديث يحيى بن أبي كثير به.

Comments:

This *Ḥadīth* mentions the Prophet's ﷺ command to stand up. The next *Ḥadīth*, however, is explicit on the fact that later on the Prophet ﷺ had started to remain sitting, which indicates the earlier ruling was abrogated, and the reason thereof.

3175. It was narrated from 'Alī bin Abī Ṭālib that the Prophet ﷺ stood up for a funeral, then after that, he sat down. (*Ṣaḥīh*)

٣١٧٥ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ يَحْيَى بْنِ سَعِيدٍ، عَنْ وَاقِدِ بْنِ عَمْرٍو بْنِ سَعْدِ بْنِ مُعَاذٍ الْأَنْصَارِيِّ، عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعَمٍ، عَنْ مَسْعُودِ بْنِ الْحَكَمِ، عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: أَنَّ النَّبِيَّ ﷺ قَامَ فِي الْجَنَازَةِ ثُمَّ قَعَدَ بَعْدُ.

تخريج: أخرجه مسلم، الجنائز، باب نسخ القيام للجنابة، ح: ٩٦٢ من حديث يحيى بن سعيد الأنصاري به، وهو في الموطأ (يحيى): ٢٣٢/١.

3176. It was narrated that 'Ubādah bin Aṣ-Ṣāmit said: "The Messenger of Allāh ﷺ would stand up during a funeral until (the body) was placed in the *Laḥd*. A Jewish rabbi passed by him, and said: 'This is what we do.' So the Prophet ﷺ sat down, and said: 'Sit down; be different from them.'" (*Ḍa'īf*)

٣١٧٦ - حَدَّثَنَا هِشَامُ بْنُ بَهْرَامٍ الْمَدَائِنِيُّ: حَدَّثَنَا حَاتِمُ بْنُ إِسْمَاعِيلَ: أَخْبَرَنَا أَبُو الْأَسْبَاطِ الْحَارِثِيُّ عَنْ عَبْدِ اللَّهِ بْنِ سُلَيْمَانَ بْنِ جُنَادَةَ بْنِ أَبِي أُمَيَّةَ، عَنْ أَبِيهِ، عَنْ جَدِّهِ، عَنْ عَبْدِ اللَّهِ بْنِ الصَّامِتِ قَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يَقُومُ فِي الْجَنَازَةِ حَتَّى تُوَضَعَ فِي اللَّحْدِ، فَمَرَّ بِهِ حَبْرٌ مِنَ الْيَهُودِ فَقَالَ: هَكَذَا نَفْعَلُ، فَجَلَسَ النَّبِيُّ ﷺ وَقَالَ: «اجْلِسُوا، خَالِفُوهُمْ».

تخريج: [إسناده ضعيف] أخرجه الترمذي، الجنائز، باب ما جاء في الجلوس قبل أن توضع، ح: ١٠٢٠ وابن ماجه، ح: ١٥٤٥ من حديث أبي الأسباط بشر بن رافع الحارثي به وقال الترمذي: "غريب، وبشر بن رافع ليس بالقوي في الحديث" * عبدالله بن سليمان بن جنادة: ضعيف وأبوه منكر الحديث فالسند ضعيف جداً وللحديث شواهد ضعيفة وحديث مسلم، ح: ٩٦٢ يغني عنه.

Chapter 43, 44. Riding During A Funeral

(المعجم ٤٣، ٤٤) - بَابُ الرُّكُوبِ فِي الْجَنَازَةِ (التحفة ٤٨)

3177. It was narrated from Ṭhawbān that a mount was brought to the Messenger of Allāh ﷺ when he was at a funeral, and he refused to ride. When the funeral was over,

٣١٧٧ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى الْبَلْخِيُّ: أَخْبَرَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ

a mount was brought and he rode it. He was asked about that, and he said: "The Angels were walking, and I would not have ridden when they were walking. When they left, I rode." (*Da'if*)

عَوْفٍ، عَنْ ثَوْبَانَ: أَنَّ رَسُولَ اللَّهِ ﷺ أَتَى بِدَابَّةٍ وَهُوَ مَعَ الْجَنَازَةِ فَأَبَى أَنْ يَرْكَبَ فَلَمَّا انْصَرَفَ أَتَى بِدَابَّةٍ فَرَكِبَ، فَقِيلَ لَهُ، فَقَالَ: «إِنَّ الْمَلَائِكَةَ كَانَتْ تَمْشِي فَلَمْ أَكُنْ لِأَرْكَبَ وَهُمْ يَمْشُونَ فَلَمَّا ذَهَبُوا رَكِبْتُ».

تخریج: [إسناده ضعيف] أخرجه البيهقي: ٢٣/٤ من حديث عبدالرزاق به وصححه الحاكم على شرط الشيخين: ٣٥٥/١ ووافقه الذهبي وأيضاً صححه الألباني (أحكام الجنائز مسألة: ٥٢) * يحيى بن أبي كثير مدلس وعنعن.

3178. Jābir bin Samurah said: "The Prophet ﷺ offered the funeral prayer for Ibn Ad-Daḥdāh when we were present, then a horse was brought, and it was held until he mounted it, then it started to trot with him, and we were running around him ﷺ." (*Ṣaḥīḥ*)

٣١٧٨ - حَدَّثَنَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ سِمَاكِ: سَمِعَ جَابِرَ بْنَ سَمُرَةَ قَالَ: صَلَّى النَّبِيُّ ﷺ عَلَى ابْنِ الدَّحْدَاحِ وَنَحْنُ شُهُودٌ، ثُمَّ أَتَى بِفَرَسٍ فَعَقَلَ حَتَّى رَكِبَهُ، فَجَعَلَ يَتَوَقَّصُ بِهِ وَنَحْنُ نَسْعَى حَوْلَهُ ﷺ.

تخریج: أخرجه مسلم، الجنائز، باب ركوب المصلي على الجنابة إذا انصرف، ح: ٩٦٥ من حديث شعبة به.

Chapter 44, 45. Walking In Front Of The Janāzah

(المعجم ٤٤، ٤٥) - بَابُ الْمَشْيِ أَمَامَ الْجَنَازَةِ (التحفة ٤٩)

3179. It was narrated from Sālim that his father said: "I saw the Prophet ﷺ, Abū Bakr and 'Umar, walking in front of the Janāzah." (*Ṣaḥīḥ*)

٣١٧٩ - حَدَّثَنَا الْقَعْنَبِيُّ: حَدَّثَنَا سُفْيَانُ ابْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ، عَنْ سَالِمٍ، عَنْ أَبِيهِ قَالَ: رَأَيْتُ النَّبِيَّ ﷺ وَأَبَا بَكْرٍ وَعُمَرَ يَمْشُونَ أَمَامَ الْجَنَازَةِ.

تخریج: [صحيح] أخرجه الترمذي، الجنائز، باب ما جاء في المشي أمام الجنابة، ح: ١٠٠٧، ١٠٠٨ وابن ماجه، ح: ١٤٨٢ والنسائي، ح: ١٩٤٦ من حديث سفیان بن عیینة به، وصرح بالسماع وتابعه منصور وبكر بن وائل وغيرهما والحديث أعله الترمذي وقال النسائي: "هذا خطأ والصواب مرسل" * الصواب أنه متصل أيضاً والزهری صرح بالسماع والحمد لله.

3180. It was narrated from Ziyād bin Jubair, from his father, that Al-

٣١٨٠ - حَدَّثَنَا وَهْبُ بْنُ بَقِيَّةَ عَنْ خَالِدٍ،

Mughīrah bin Shu‘bah said — and I (the narrator) think that the family of Ziyād told me that he attributed it to the Prophet ﷺ — “The rider should travel behind the *Janāzah*, and the one who is on foot should walk behind it, in front of it, on its right or on its left, close to it. The funeral prayer should be offered for the miscarried fetus, and supplications for forgiveness and mercy should be made for its parents.” (*Sahīh*)

عن يُونُسَ، عن زِيَادِ بْنِ جُبَيْرٍ، عن أَبِيهِ، عن الْمُغِيرَةِ بْنِ شُعْبَةَ، قال: وَأَحْسَبُ أَنَّ أَهْلَ زِيَادٍ أَخْبَرُونِي أَنَّهُ رَفَعَهُ إِلَى النَّبِيِّ ﷺ قال: «الرَّاكِبُ يَسِيرُ خَلْفَ الْجَنَازَةِ وَالْمَاشِي يَمْشِي خَلْفَهَا وَأَمَامَهَا وَعَنْ يَمِينِهَا وَعَنْ سَارِهَا قَرِيبًا مِنْهَا وَالسَّقَطُ يُصَلَّى عَلَيْهِ وَيُدْعَى لَوَالِدَيْهِ بِالْمَغْفِرَةِ وَالرَّحْمَةِ».

تخريج: [إسناده صحيح] أخرجه الترمذي، الجنائز، باب ما جاء في الصلاة على الأطفال، ح: ١٠٣١ من حديث زياد بن جبير به وقال: "حسن صحيح" ورواه ابن ماجه، ح: ١٥٠٧ والنسائي، ح: ١٩٥٠ وصححه ابن حبان، ح: ٧٦٩ والحاكم على شرط البخاري: ٣٦٣/١ ووافقه الذهبي.

Comments:

There is a difference of opinion concerning the funeral prayer for the miscarried fetus. Imām Aḥmad bin Ḥanbal and Ishaq bin Ibrāhīm hold the view that if the fetus is older than four months and ten days, and soul has been breathed into it, it is necessary to perform the funeral prayer for it. Ibn ‘Abbās, however, is of the view that if a child is born with signs of life in it, the funeral prayer must be held for it.

Chapter 45, 46. Hastening With The *Janāzah*

3181. It was narrated from Abū Hurairah, who attributed it to the Prophet ﷺ: “Hasten with the *Janāzah*, for if (the deceased) was righteous, it is something good to which you are sending him, and if he was otherwise, it is an evil of which you are taking off of your necks (ridding yourselves).” (*Sahīh*)

(المعجم ٤٥، ٤٦) - بَابُ الْإِسْرَاعِ
بِالْجَنَازَةِ (التحفة ٥٠)

٣١٨١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا سُفْيَانٌ عَنْ الزُّهْرِيِّ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ يُنْلَعُ بِهِ النَّبِيُّ ﷺ قال: «أَسْرِعُوا بِالْجَنَازَةِ فَإِنْ تَكُ صَالِحَةً فَخَيْرٌ تُقَدِّمُونَهَا إِلَيْهِ، وَإِنْ تَكُ سَوَى ذَلِكَ فَشَرٌّ تَصْعَوْنَهُ عَنْ رِقَابِكُمْ».

تخريج: أخرجه البخاري، الجنائز، باب السرعة بالجنابة، ح: ١٣١٥ ومسلم، الجنائز، باب الإسراع بالجنابة، ح: ٩٤٤ من حديث سفیان بن عیینة به.

3182. It was narrated from ‘Uyainah bin ‘Abdur-Raḥmān from his father, that he attended the funeral of ‘Uthmān bin Abī Al-‘Āṣ and we were walking slowly. Abū Bakrah joined us and raised his whip, and said: “I remember when we were with the Messenger of Allāh ﷺ and walked rapidly.” (Ṣaḥīḥ)

٣١٨٢ - حَدَّثَنَا مُسْلِمُ بْنُ أَبِرَاهِيمَ: حَدَّثَنَا شُعْبَةُ عَنْ عُيَيْنَةَ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ: أَنَّهُ كَانَ فِي جَنَازَةِ عُثْمَانَ بْنِ أَبِي الْعَاصِ وَكُنَّا نَمْشِي مَشْيًا خَفِيفًا فَلَجَقْنَا أَبُو بَكْرَةَ فَرَفَعَ سَوْطَهُ فَقَالَ: لَقَدْ رَأَيْنَا وَنَحْنُ مَعَ رَسُولِ اللَّهِ ﷺ نَرْمُلُ رَمَلًا.

تخریج: [إسناده صحيح] أخرجه النسائي، الجنائز، باب السرعة بالجنابة، ح: ٩١٤ من حديث عيينة بن عبد الرحمن به، وصححه الحاكم: ٣٥٥/١ ووافقه الذهبي * قوله: عثمان بن أبي العاص: وهم، والصواب في جنازة عبد الرحمن بن سمره، انظر الحديث الآتي.

3183. This *Hadīth* was narrated from ‘Uyainah. They (the narrators) said: “The funeral of ‘Abdur-Raḥmān bin Samurah.” He said: “He made his mule run faster and wielded his whip.” (Ṣaḥīḥ)

٣١٨٣ - حَدَّثَنَا حُمَيْدُ بْنُ مَسْعَدَةَ: حَدَّثَنَا خَالِدُ بْنُ الْحَارِثِ؛ ح: وَحَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى: حَدَّثَنَا عَيْسَى بْنُ يَحْيَى ابْنُ يُونُسَ عَنْ عُيَيْنَةَ بِهَذَا الْحَدِيثِ قَالَا: فِي جَنَازَةِ عَبْدِ الرَّحْمَنِ بْنِ سَمُرَةَ قَالَ: فَحَمَلَ عَلَيْهِمْ بَعْلَتُهُ وَأَهْوَى بِالسَّوْطِ.

تخریج: [إسناده صحيح] أخرجه النسائي، الجنائز، باب السرعة بالجنابة، ح: ٩١٣ من حديث خالد بن الحارث به وانظر الحديث السابق.

3184. It was narrated that Ibn Mas‘ūd said: “We asked our Prophet ﷺ about walking with the *Janāzah*. He said: ‘A rapid walk. If (the deceased) was good then send him quickly (to what is good for him) and if he was otherwise then may the people of Hell be doomed. And the *Janāzah* should be followed, rather than follow; those who walk ahead of it are not accompanying it.’” (Ḍa‘īf)

٣١٨٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ يَحْيَى الْمُجَبَّرِ - قَالَ أَبُو دَاوُدَ: وَهُوَ يَحْيَى بْنُ عَبْدِ اللَّهِ التِّيمِيُّ - عَنْ أَبِي مَاجِدَةَ، عَنْ ابْنِ مَسْعُودٍ قَالَ: سَأَلْنَا نَبِيَّنَا ﷺ عَنِ الْمَشْيِ مَعَ الْجَنَازَةِ فَقَالَ: «مَا دُونَ الْخَبَبِ، إِنْ يَكُنْ خَيْرًا تَعَجَّلْ إِلَيْهِ، وَإِنْ يَكُنْ غَيْرَ ذَلِكَ فَبَعْدًا لِأَهْلِ النَّارِ، وَالْجَنَازَةُ مَتَّبِعَةٌ وَلَا تَتَّبِعْ، لَيْسَ مَعَهَا مَنْ تَقَدَّمَهَا».

Abū Dāwud said: He (one of the narrators) is weak; he is Yaḥyā bin

قَالَ أَبُو دَاوُدَ: وَهُوَ ضَعِيفٌ، هُوَ يَحْيَى

‘Abdullāh, and he is (also called) Yaḥyā Al-Jābir.

Abū Dāwud said: This one is from Al-Kūfah, and Abū Mājidah (whom Yaḥyā narrated it from) is from Al-Baṣrah.

Abū Dāwud said: This Abū Mājidah is not known.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الجنائز، باب ما جاء في المشي خلف الجنازة، ح: ١٠١١ من حديث يحيى المجرى به وقال: "غريب" ورواه ابن ماجه، ح: ١٤٨٤ * يحيى بن عبدالله: لين الحديث وأبو ماجدة: مجهول.

Chapter 46, 47. The Ruler Should Not Perform The Funeral Prayer For One Who Killed Himself

3185. Jābir bin Samurah said: “A man fell ill, and a cry was raised (about his death). His neighbour came to the Messenger of Allāh ﷺ, and said to him: ‘He has died’. He said: ‘How do you know?’ He said: ‘I saw him.’ He said: ‘He has not died.’ So he went back, but a cry was raised for him, so he back came to the Messenger of Allāh ﷺ and said: ‘He has died.’ The Prophet ﷺ said: ‘He has not died.’ He went back, and a cry was raised for him, and his wife said: ‘Go to the Messenger of Allāh ﷺ and tell him.’ The man said: ‘O Allāh, curse him.’ Then the man went and saw that he had killed himself with an arrowhead that he had with him. He went to the Prophet ﷺ, and told him that he had died. He said: ‘How do you know?’ He said: ‘I saw him killing himself with an arrowhead that he had with him.’ He said: ‘Did you (really) see

ابن عبيد الله، وهو يحيى الجابري.

قَالَ أَبُو دَاوُدَ: وَهَذَا كُوفِيٌّ، وَأَبُو مَاجِدَةَ بَصْرِيٌّ.

قَالَ أَبُو دَاوُدَ: أَبُو مَاجِدَةَ هَذَا لَا يُعْرَفُ.

(المعجم ٤٦، ٤٧) - بَابُ الْإِمَامِ لَا يُصَلِّي عَلَى مَنْ قَتَلَ نَفْسَهُ (التحفة ٥١)

٣١٨٥ - حَدَّثَنَا ابْنُ نُفَيْلٍ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا سِمَاكٌ: حَدَّثَنِي جَابِرُ بْنُ سَمُرَةَ قَالَ: مَرَضَ رَجُلٌ فَصَبَحَ عَلَيْهِ فَجَاءَ جَارُهُ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ لَهُ: إِنَّهُ قَدْ مَاتَ، قَالَ: «وَمَا يُدْرِيكَ؟» قَالَ: أَنَا رَأَيْتُهُ، قَالَ رَسُولُ اللَّهِ ﷺ: «إِنَّهُ لَمْ يَمُتْ»، قَالَ: فَرَجَعَ فَصَبَحَ عَلَيْهِ فَجَاءَ إِلَى رَسُولِ اللَّهِ ﷺ فَقَالَ: إِنَّهُ قَدْ مَاتَ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّهُ لَمْ يَمُتْ»، قَالَ: فَرَجَعَ فَصَبَحَ عَلَيْهِ فَقَالَتْ امْرَأَتُهُ: انْطَلِقْ إِلَى رَسُولِ اللَّهِ ﷺ فَأَخْبِرْهُ، فَقَالَ الرَّجُلُ: اللَّهُمَّ الْعَنَّهُ قَالَ: ثُمَّ انْطَلَقَ الرَّجُلُ فَرَأَهُ قَدْ نَحَرَ نَفْسَهُ بِمِشْقَصٍ مَعَهُ، فَانْطَلَقَ إِلَى النَّبِيِّ ﷺ فَأَخْبَرَهُ أَنَّهُ قَدْ مَاتَ، قَالَ: «وَمَا يُدْرِيكَ؟» قَالَ: رَأَيْتُهُ يَنْحَرُ نَفْسَهُ بِمِشْقَصٍ مَعَهُ، قَالَ: «أَنْتَ رَأَيْتُهُ؟» قَالَ: نَعَمْ، قَالَ: «إِذَا لَا أَصَلِّيَ عَلَيْهِ».

that?' He said: 'Yes.' He said: 'Then I shall not offer the (funeral) prayer for him.'" (*Ṣaḥīḥ*)

تخريج: أخرجه مسلم، الجنائز، باب ترك الصلاة على القاتل نفسه، ح: ٩٧٨ من حديث زهير به مختصراً.

Chapter 47, 48. Funeral Prayer For One Who Was Executed As A Legal Punishment

(المعجم ٤٧، ٤٨) - بَابُ الصَّلَاةِ عَلَى مَنْ قَتَلْتَهُ الْحُدُودُ (التحفة ٥٢)

3186. It was narrated from Abū Barzah Al-Aslamī that the Messenger of Allāh ﷺ did not offer the funeral prayer for Mā'iz bin Mālik, but he did not forbid (us) offering the funeral prayer for him. (*Ḍa'īf*)

٣١٨٦ - حَدَّثَنَا أَبُو كَامِلٍ: حَدَّثَنَا أَبُو عَوَانَةَ عَنْ أَبِي بَشِيرٍ قَالَ: حَدَّثَنِي نَفَرٌ مِنْ أَهْلِ الْبَصْرَةِ عَنْ أَبِي بَرَزَةَ الْأَسْلَمِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ لَمْ يُصَلِّ عَلَى مَا عَزَّ ابْنِ مَالِكٍ وَلَمْ يَنْهَ عَنْ الصَّلَاةِ عَلَيْهِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ١٩/٤ من حديث أبي عوانة به * نفر البصريون كلهم مجهولون وحديث عبدالرزاق: ١٣٣٣٩، والبخاري: ٦٨٢٠ يغني عنه.

Chapter 48, 49. Funeral Prayer For A Child

(المعجم ٤٨، ٤٩) بَابُ: فِي الصَّلَاةِ عَلَى الطِّفْلِ (التحفة ٥٣)

3187. It was narrated that 'Āishah said: "Ibrāhīm, the son of the Prophet ﷺ, died when he was eighteen months old, and the Messenger of Allāh ﷺ did not offer the funeral prayer for him." (*Ḥasan*)

٣١٨٧ - حَدَّثَنَا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ: حَدَّثَنَا يَعْقُوبُ بْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ: حَدَّثَنَا أَبِي عَنْ ابْنِ إِسْحَاقَ: حَدَّثَنِي عَبْدُ اللَّهِ ابْنُ أَبِي بَكْرٍ عَنْ عُمَرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ قَالَتْ: مَاتَ إِبْرَاهِيمُ بْنُ النَّبِيِّ ﷺ وَهُوَ ابْنُ ثَمَانِيَةِ عَشَرَ شَهْرًا فَلَمْ يُصَلِّ عَلَيْهِ رَسُولُ اللَّهِ ﷺ.

تخريج: [إسناده حسن] أخرجه أحمد: ٦/٢٦٧ عن يعقوب بن إبراهيم به.

Comments:

In the light of other narrations, it is known that the funeral prayer may be held for the child that is born alive, but it is not obligatory to do so.

3188A. Wā'il bin Dāwud said: "I heard Al-Bahī say: 'When Ibrāhīm the son of the Prophet ﷺ died, the Messenger of Allāh ﷺ offered the funeral prayer for him in the place where they used to sit.'" (*Da'if*)

٣١٨٨ (أ) - حَدَّثَنَا هَنَادُ بْنُ السَّرِيِّ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ عَنْ وَائِلِ بْنِ دَاوُدَ قَالَ: سَمِعْتُ الْبَهِّيَّ قَالَ: لَمَّا مَاتَ إِبْرَاهِيمُ ابْنُ النَّبِيِّ ﷺ صَلَّى عَلَيْهِ رَسُولُ اللَّهِ ﷺ فِي الْمَقَاعِدِ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٩/٤ من حديث أبي داود به والسند مرسل.

3188 B. Abū Dāwud said: I read to Sa'eed bin Ya'qūb At-Tālaqānī: "Ibn Al-Mubārak narrated to you, from Ya'qūb bin Al-Qa'qā', from 'Atā', that the Prophet ﷺ offered the funeral prayer for his son Ibrāhīm when he was seventy days old." (*Da'if*)

٣١٨٨ (ب) - قَالَ أَبُو دَاوُدَ: قَرَأْتُ عَلَى سَعِيدِ بْنِ يَعْقُوبَ الطَّلَقَانِيِّ قِيلَ لَهُ حَدَّثَكُمْ ابْنُ الْمُبَارَكِ عَنْ يَعْقُوبَ بْنِ الْقَعْقَاعِ عَنْ عَطَاءٍ: أَنَّ النَّبِيَّ ﷺ صَلَّى عَلَى ابْنِهِ إِبْرَاهِيمَ وَهُوَ ابْنُ سَبْعِينَ لَيْلَةً.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٩/٤ من حديث أبي داود به والسند مرسل.

Chapter 49, 50. Offering The Funeral Prayer In The Masjid

(المعجم ٤٩، ٥٠) - بَابُ الصَّلَاةِ عَلَى الْجَنَازَةِ فِي الْمَسْجِدِ (التحفة ٥٤)

3189. It was narrated that 'Āishah said: "By Allāh, the Messenger of Allāh ﷺ offered the funeral prayer for Suhail bin Al-Baidā' nowhere but in the Masjid." (*Ṣaḥīḥ*)

٣١٨٩ - حَدَّثَنَا سَعِيدُ بْنُ مَنْصُورٍ: حَدَّثَنَا فُلَيْحُ بْنُ سُلَيْمَانَ عَنْ صَالِحِ بْنِ عَجْلَانَ وَمُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ عَبَّادٍ، عَنْ عَبَّادِ بْنِ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، عَنْ عَائِشَةَ قَالَتْ: وَاللَّهِ مَا صَلَّى رَسُولُ اللَّهِ ﷺ عَلَى سُهَيْلِ ابْنِ الْبَيْضَاءِ إِلَّا فِي الْمَسْجِدِ.

تخريج: [صحيح] أخرجه ابن ماجه، الجنائز، باب ما جاء في الصلاة على الجنائز في المسجد، ح: ١٥١٨ من حديث فليح بن سليمان به ورواه مسلم، ح: ٩٧٣ من حديث عباد بن عبدالله به.

3190. It was narrated that 'Āishah said: "By Allāh, the Messenger of Allāh ﷺ offered the funeral prayer for the two sons of Baidā', Suhail

٣١٩٠ - حَدَّثَنَا هَارُونُ بْنُ عَبْدِ اللَّهِ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ عَنْ الصَّحَّاحِ يَعْْنِي ابْنَ عُثْمَانَ، عَنْ أَبِي النَّضْرِ، عَنْ أَبِي سَلَمَةَ، عَنْ

and his brother, in the *Masjid*.”
(*Ṣaḥīḥ*)

عَائِشَةُ قَالَتْ: وَاللَّهِ لَقَدْ صَلَّى رَسُولُ اللَّهِ ﷺ عَلَى ابْنَيْ بَيْضَاءَ فِي الْمَسْجِدِ، سَهْلٍ وَأَخِيهِ.

تخريج: أخرجه مسلم، الجنائز، باب الصلاة على الجنازة في المسجد، ح: ٩٧٣ عن هارون ابن عبد الله به.

3191. It was narrated that Abū Hurairah said: “The Messenger of Allāh (ﷺ) said: ‘Whoever offers the funeral prayer in the *Masjid*, there is nothing upon him.’”^[1]
(*Ḥasan*)

٣١٩١ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ ابْنِ أَبِي ذَنْبٍ: حَدَّثَنِي صَالِحٌ مَوْلَى التَّوَّامَةِ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «مَنْ صَلَّى عَلَى جَنَازَةٍ فِي الْمَسْجِدِ فَلَا شَيْءَ عَلَيْهِ».

تخريج: [إسناده حسن] أخرجه ابن ماجه، الجنائز، باب ما جاء في الصلاة على الجنائز في المسجد، ح: ١٥١٧ من حديث محمد بن عبد الرحمن بن أبي ذئب به * صالح: حدث به قبل اختلاطه، وقوله: "فلا شيء عليه" الصواب: "فلا شيء له" يعني من الأجر الخاص كما فسره السندي.

Chapter 50, 51. Burial At Sunrise And Sunset

(المعجم ٥٠، ٥١) - بَابُ الدَّفْنِ عِنْدَ طُلُوعِ الشَّمْسِ وَغُرُوبِهَا (التحفة ٥٥)

3192. ‘Uqbah bin ‘Āmir said: “There are three times in a day when the Messenger of Allāh ﷺ forbade us from performing *Ṣalāt* or burying our dead: When the sun is rising until it is fully risen; when it is overhead at midday until it has passed the meridian; and when the sun starts to set, until it has fully set.” Or words to that effect.
(*Ṣaḥīḥ*)

٣١٩٢ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا وَكِيعٌ: حَدَّثَنَا مُوسَى بْنُ عَلِيٍّ بْنِ رَبَاحٍ قَالَ: سَمِعْتُ أَبِي يُحَدِّثُ، أَنَّهُ سَمِعَ عُقْبَةَ بْنَ عَامِرٍ قَالَ: ثَلَاثُ سَاعَاتٍ كَانَ رَسُولُ اللَّهِ ﷺ يَنْهَانَا أَنْ نُصَلِّيَ فِيهِنَّ أَوْ نَقْبَرَ فِيهِنَّ مَوْتَانَا: حِينَ تَطْلُعُ الشَّمْسُ بَارِغَةً حَتَّى تَرْتَفِعَ، وَحِينَ يَقُومُ قَائِمُ الظَّهِيرَةِ حَتَّى تَبِيلَ، وَحِينَ تَضَيِّفُ الشَّمْسُ لِلْغُرُوبِ حَتَّى تَغْرُبَ، أَوْ كَمَا قَالَ.

تخريج: أخرجه مسلم، صلاة المسافرين، باب الأوقات التي نهي عن الصلاة فيها، ح: ٨٣١ من حديث موسى بن عليّ به.

^[1] It is said it means: “Nothing wrong with that” or “He gets no special reward.”

Chapter 52. If There Are *Janāzahs* For Men And Women, Who Is Put In Front ?

3193. ‘Ammār, the freed slave of Al-Hārith bin Nawfal narrated that he was present at the funeral of Umm Kulthūm and her son. “The son was placed next to the *Imām*, and I objected to that. Ibn ‘Abbās, Abū Sa‘eed Al-Khudrī, Abū Qatādah and Abū Hurairah were present among the people, and they said: ‘This is the *Sunnah*.’” (Ṣaḥīḥ)

تخريج: [صحيح] أخرجه البيهقي: ٣٣/٤ من حديث أبي داود به ورواه النسائي، ح: ١٩٧٩.

Chapter 51, 53. Where Should The *Imām* Stand In Relation To The Deceased When Offering The Funeral Prayer ?

3194. It was narrated that Nāfi‘ Abū Ghālib said: “I was in an alley of Al-Mirbad, and a funeral passed by, followed by many people. They said: ‘(It is) the funeral of ‘Abdullāh bin ‘Umair.’ I followed it, and I saw a man wearing a thin cloak, riding his horse, with a piece of cloth on his head to protect him from the sun. I said: ‘Who is this important man?’ They said: ‘This is Anas bin Mālik.’”

When the *Janāzah* was placed on the ground, Anas stood and offered the funeral prayer for (the deceased), and I was behind him with no one in between myself and

(المعجم ٥٢) بَابُ: إِذَا حَضَرَ جَنَائِزُ رِجَالٍ وَنِسَاءٍ مَنْ يُقَدَّمُ؟ (التحفة ٥٦)

٣١٩٣ - حَدَّثَنَا يَزِيدُ بْنُ خَالِدٍ بْنِ مَوْهَبٍ الرَّمْلِيُّ: حَدَّثَنَا ابْنُ وَهْبٍ عَنْ ابْنِ جُرَيْجٍ، عَنْ يَحْيَى بْنِ صُبَيْحٍ قَالَ: حَدَّثَنِي عَمَّارٌ مَوْلَى الْحَارِثِ بْنِ تَوْفَلٍ: أَنَّهُ شَهِدَ جَنَازَةَ أُمِّ كَلْثُومٍ وَإِنِّهَا فُجِعِلَ الْعَلَامُ مِمَّا يَلِي الْإِمَامَ، فَانْكَرْتُ ذَلِكَ، وَفِي الْقَوْمِ ابْنُ عَبَّاسٍ وَأَبُو سَعِيدٍ الْخُدْرِيُّ وَأَبُو قَتَادَةَ وَأَبُو هُرَيْرَةَ، فَقَالُوا: هَذِهِ السُّنَّةُ.

(المعجم ٥١، ٥٣) بَابُ: أَيْنَ يَقُومُ الْإِمَامُ مِنَ الْمَيِّتِ إِذَا صَلَّى عَلَيْهِ (التحفة ٥٧)

٣١٩٤ - حَدَّثَنَا دَاوُدُ بْنُ مُعَاذٍ: حَدَّثَنَا عَبْدُ الْوَارِثِ عَنْ نَافِعِ أَبِي غَالِبٍ قَالَ: كُنْتُ فِي سِكَّةِ الْمَرْبَدِ فَمَرَّتْ جَنَازَةٌ وَمَعَهَا نَاسٌ كَثِيرٌ قَالُوا: جَنَازَةُ عَبْدِ اللَّهِ بْنِ عُمَيْرٍ فَتَبِعْتُهَا فَإِذَا أَنَا بِرَجُلٍ عَلَيْهِ كِسَاءٌ رَقِيقٌ عَلَى بُرَيْذِيَّتِهِ وَعَلَى رَأْسِهِ خِرْقَةٌ تَقِيهِ مِنَ الشَّمْسِ، فَقُلْتُ: مَنْ هَذَا الدُّهُقَانُ قَالُوا: هَذَا أَنَسُ بْنُ مَالِكٍ، فَلَمَّا وُضِعَتِ الْجَنَازَةُ قَامَ أَنَسٌ فَصَلَّى عَلَيْهَا وَأَنَا خَلْفَهُ لَا يَحُولُ بَيْنِي وَبَيْنَهُ شَيْءٌ، فَقَامَ عِنْدَ رَأْسِهِ فَكَبَّرَ أَرْبَعَ تَكْبِيرَاتٍ لَمْ يُطِلْ وَلَمْ يُسْرِعْ ثُمَّ ذَهَبَ يَقْعُدُ، فَقَالُوا: يَا أَبَا حَمْرَةَ!

him. He stood by his head, and said the *Takbīr* four times, and he did not make (the prayer) long or nor in a hurry. Then he went and sat down. They said: 'O Abū Ḥamzah, the *Anṣārī* woman.' They brought her near, and she was covered with a green bier. He stood in line with her buttocks and offered the funeral prayer for her, as he had done for the man, then he sat down. Al-'Alā' bin Ziyād said: 'O Abū Ḥamzah, did the Messenger of Allāh ﷺ offer the funeral prayer as you did, with four *Takbīr*, and standing by the head of a man, and by the buttocks of a woman?' He said: 'Yes.'

He said: 'O Abū Ḥamzah, did you go out on a campaign with the Messenger of Allāh (ﷺ)?' He said: 'Yes, I went out on the campaign with him to Ḥunain, and the idolaters came out and attacked us (so fiercely) that we fled faster than our horses. Among the people, there was a man who was attacking us, smashing us and wounding us. But Allāh defeated them, and they were brought and started giving him (the Prophet ﷺ) their pledge for Islam. One of the Companions of the Prophet ﷺ said: 'I take a vow, that if Allāh brings me the man who was smashing us all day, I shall strike his neck.' The Messenger of Allāh ﷺ remained silent, and that man was brought. When he saw the Messenger of Allāh ﷺ, he said: 'O Messenger of Allāh, I have repented to Allāh.' The Messenger

الْمَرْأَةُ الْأَنْصَارِيَّةُ، فَقَرَّبُوهَا وَعَلَيْهَا نَعَشٌ أَحْضَرُ، فَقَامَ عِنْدَ عَجِيزَتِهَا فَصَلَّى عَلَيْهَا نَحْوَ صَلَاتِهِ عَلَى الرَّجُلِ ثُمَّ جَلَسَ، فَقَالَ الْعَلَاءُ ابْنُ زِيَادٍ: يَا أَبَا حَمَزَةَ! هَكَذَا كَانَ رَسُولُ اللَّهِ ﷺ يُصَلِّي عَلَى الْجَنَازَةِ كَصَلَاتِكَ، يُكَبِّرُ عَلَيْهَا أَرْبَعًا وَيَقُومُ عِنْدَ رَأْسِ الرَّجُلِ وَعَجِيزَةِ الْمَرْأَةِ؟ قَالَ: نَعَمْ، قَالَ: يَا أَبَا حَمَزَةَ! غَزَوْتَ مَعَ رَسُولِ اللَّهِ ﷺ؟ قَالَ: نَعَمْ غَزَوْتُ مَعَهُ حَتِّينَا فَخَرَجَ الْمُشْرِكُونَ فَحَمَلُوا عَلَيْنَا حَتَّى رَأَيْنَا خَيْلَنَا وَرَاءَ ظُهُورِنَا وَفِي الْقَوْمِ رَجُلٌ يَحْمِلُ عَلَيْنَا فَيَدْفِنُنَا وَيَحْطِمُنَا، فَهَزَمَهُمُ اللَّهُ وَجَعَلَ يُجَاءُ بِهِمْ فَيَبَايِعُونَهُ عَلَى الْإِسْلَامِ، وَقَالَ رَجُلٌ مِنْ أَصْحَابِ النَّبِيِّ ﷺ: إِنَّ عَلِيَّ نَذَرًا إِنْ جَاءَ اللَّهُ بِالرَّجُلِ الَّذِي كَانَ مِنْذُ الْيَوْمِ يَحْطِمُنَا لِأَصْرَبِنَ عَنْقَهُ، فَسَكَتَ رَسُولُ اللَّهِ ﷺ وَجِئَ بِالرَّجُلِ، فَلَمَّا رَأَى رَسُولُ اللَّهِ ﷺ قَالَ: يَا رَسُولَ اللَّهِ! ثَبْتُ إِلَى اللَّهِ، فَأَمْسَكَ رَسُولُ اللَّهِ ﷺ لَا يُبَايِعُهُ لِنَبِيِّ الْآخَرِ يَنْذِرُهُ قَالَ: فَجَعَلَ الرَّجُلُ يَتَصَدَّى لِرَسُولِ اللَّهِ ﷺ لِيَأْمُرَهُ بِقَتْلِهِ وَجَعَلَ يَهَابُ رَسُولَ اللَّهِ ﷺ أَنْ يَقْتُلَهُ، فَلَمَّا رَأَى رَسُولُ اللَّهِ ﷺ أَنَّهُ لَا يَصْنَعُ شَيْئًا بَايَعَهُ، فَقَالَ الرَّجُلُ: يَا رَسُولَ اللَّهِ! نَذِرِي، قَالَ: «إِنِّي لَمْ أُمْسِكْ عَنْهُ مِنْذُ الْيَوْمِ إِلَّا لِتُوفِي بِنَذْرِكَ»، فَقَالَ: يَا رَسُولَ اللَّهِ! أَلَا أَوْصَصْتُ إِلَيْيَ، فَقَالَ النَّبِيُّ ﷺ: «إِنَّهُ لَيْسَ لِنَبِيِّ أَنْ يُوْصَصَ».

قال أبو غالب: فَسَأَلْتُ عَنْ صَنِيعِ أَنَسٍ

of Allāh ﷺ refrained from accepting his pledge of allegiance so that the other man might fulfil his vow. The man (who had made the vow) began watching the Messenger of Allāh ﷺ, expecting the order to kill him, but he did not dare to take action without the permission of the Messenger of Allāh ﷺ. When the Messenger of Allāh ﷺ saw that he was not going to do anything, he accepted (the other man's) pledge of allegiance. The man said: 'O Messenger of Allāh, my vow!' He said: 'I only refrained (from accepting his pledge of allegiance) just now so that you could fulfill your vow.' He said: 'O Messenger of Allāh, why did you not give me a wink?' The Prophet ﷺ said: 'It is not befitting for a Prophet to wink.'" (*Hasan*)

Abū Ghālib said: "I asked about Anas's actions when he stood by the woman's buttocks, and they told me that it was because there used to be no biers, so the *Imām* would stand by the buttocks in order to screen her from the people."

تخریج: [إسناده حسن] أخرجه الترمذي، الجنائز، باب ما جاء أين يقوم الإمام من الرجل والمرأة، ح: ١٠٣٤ من حديث نافع أبي غالب به وقال: "حسن" رواه ابن ماجه، ح: ١٤٩٤ * وقول أبي غالب: "فسألت عن صنيع أنس ... إلخ" ضعيف لجهالة الذين حدثوه .

Comments:

There is no difference between funeral prayers for a man and woman except that for a woman the *Imām* will stand facing the middle of her body, while for a man, he will stand facing his head or chest.

3195. It was narrated that Samurah bin Jundab said: "I offered the funeral prayer behind the Prophet ﷺ for a woman who

في قيامه على المرأة عند عجزتها، فحدثوني أنه إنما كان لأنه لم تكن النعوش فكان الإمام يقوم حيال عجزتها يستترها من القوم .

قال أبو داود: قول النبي ﷺ: «أمرت أن أقاتل الناس حتى يقولوا لا إله إلا الله» نسخ من هذا الحديث الوفاء بالنذر في قتله بقوله: إني قد ثبت .

٣١٩٥ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَزِيدُ بْنُ زُرَيْعٍ: حَدَّثَنَا حُسَيْنُ الْمُعَلَّمِ: حَدَّثَنَا عَبْدُ اللَّهِ ابْنُ بُرَيْدَةَ عَنْ سَمُرَةَ بْنِ جُنْدَبٍ قَالَ: صَلَّيْتُ

had died in childbirth, and he stood in line with her middle to pray for her.” (*Ṣaḥīḥ*)

وَرَأَى النَّبِيَّ ﷺ عَلَى امْرَأَةٍ مَاتَتْ فِي نَفْسِهَا، فَقَامَ عَلَيْهَا لِلصَّلَاةِ وَسَطَهَا.

تخریج: أخرجه البخاري، الجنائز، باب الصلاة على النساء إذا ماتت في نفاسها، ح: ١٣٣١ عن مسدد، مسلم، الجنائز، باب: أين يقوم الإمام من الميت للصلاة عليه، ح: ٩٦٤ من حديث حسين المعلم به.

Chapter 52, 54. Saying The *Takbīr* Over The Deceased

(المعجم ٥٢، ٥٤) - بَابُ التَّكْبِيرِ عَلَى
الْجَنَازَةِ (التحفة ٥٨)

3196. It was reported from Abū Ishāq, from Ash-Sha'bī that the Messenger of Allāh ﷺ passed by a freshly-filled grave, and they formed rows, and he said the *Takbīr* four times over it. I (Abū Ishāq) said to Ash-Sha'bī: “Who told you that?” He said: “The trustworthy one who was present, ‘Abdullāh bin ‘Abbās.” (*Ṣaḥīḥ*)

٣١٩٦ - حَدَّثَنَا مُحَمَّدُ بْنُ الْعَلَاءِ قَالَ: حَدَّثَنَا ابْنُ إِدْرِيسَ قَالَ: سَمِعْتُ أَبَا إِسْحَاقَ عَنِ الشَّعْبِيِّ: أَنَّ رَسُولَ اللَّهِ ﷺ مَرَّ بِقَبْرِ رَطْبٍ فَصَفُّوا عَلَيْهِ وَكَبَّرَ عَلَيْهِ أَرْبَعًا فَقُلْتُ لِلشَّعْبِيِّ: مَنْ حَدَّثَكَ؟ قَالَ: الثَّقَةُ مِنْ شَهَدَةِ عَبْدِ اللَّهِ بْنِ عَبَّاسٍ.

تخریج: أخرجه مسلم، الجنائز، باب الصلاة على القبر، ح: ٩٥٤ من حديث عبدالله بن إدريس والبخاري، الجنائز، باب الإذن بالجنابة، ح: ١٢٤٧ من حديث أبي إسحاق به.

3197. It was narrated that Ibn Abī Lailā said: “Zaid, meaning Ibn Arqam, would say the *Takbīr* four times over our *Janāzah*, but then he said the *Takbīr* five times over a *Janāzah*. I asked him (about that) and he said: “The Messenger of Allāh ﷺ used to do that.” (*Ṣaḥīḥ*)

٣١٩٧ - حَدَّثَنَا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ: حَدَّثَنَا شُعْبَةُ؛ ح: وَحَدَّثَنَا مُحَمَّدُ بْنُ الْمُثَنَّى: حَدَّثَنَا مُحَمَّدُ بْنُ جَعْفَرٍ عَنْ شُعْبَةَ، عَنْ عَمْرِو ابْنِ مَرْوَةَ، عَنْ ابْنِ أَبِي لَيْلَى قَالَ: كَانَ زَيْدٌ يُعْنِي ابْنَ أَرْقَمَ، يُكَبِّرُ عَلَى جَنَائِزِنَا أَرْبَعًا، وَأَنَّهُ كَبَّرَ عَلَى جَنَازَةِ خَمْسًا، فَسَأَلْتُهُ، فَقَالَ: كَانَ رَسُولُ اللَّهِ ﷺ يُكَبِّرُهَا. قَالَ أَبُو دَاوُدَ: وَأَنَا لِحَدِيثِ ابْنِ الْمُثَنَّى أَتَقَنُّ.

تخریج: أخرجه مسلم، الجنائز، باب الصلاة على القبر، ح: ٩٥٧ عن محمد بن المثنى به.

Comments:

The majority of the scholars hold the view of saying four *Takbīrs* during the

Janāzah prayer. The formula of the prayer after each *Takbīr* is this: After the first, recitation of *Al-Fātiḥah*; after the second, saying *Ṣalāt* upon the Prophet ﷺ after the third, supplication for the deceased, and after the fourth, the final *Taslīm*.

Chapter 53, 55. What Is To Be Recited Over The Deceased

(المعجم ٥٣، ٥٥) - بَابُ مَا يُقْرَأُ عَلَى
الْجَنَازَةِ (التحفة ٥٩)

3198. It was narrated from Ṭalḥah bin ‘Abdullāh bin ‘Awf: “I performed the funeral prayer with Ibn ‘Abbās, and he recited *Fātiḥat Al-Kitāb* (*Sūrat Al-Fātiḥah*) and said: ‘This is *Sunnah*.’” (*Ṣaḥīḥ*)

٣١٩٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا
شُمَيْانُ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ، عَنْ طَلْحَةَ بْنِ عَبْدِ
اللَّهِ بْنِ عَوْفٍ: صَلَّيْتُ مَعَ ابْنِ عَبَّاسٍ عَلَى جَنَازَةٍ
فَقَرَأَ بِفَاتِحَةِ الْكِتَابِ فَقَالَ: إِنَّهَا مِنَ السُّنَّةِ.

تخريج: أخرجه البخاري، الجنائز، باب قراءة فاتحة الكتاب على الجنازة، ح: ١٣٣٥ عن محمد بن كثير العبدى به.

Comments:

When a Companion says: “This is the *Sunnah*” or similar saying, it means this is the *Sunnah* of Allāh’s Messenger ﷺ, so even though it is a statement of a Companion, its ruling is as if it was said by the Prophet ﷺ.

Chapter 54, 56. The Supplication For The Deceased

(المعجم ٥٤، ٥٦) - بَابُ الدُّعَاءِ لِلْمَيِّتِ
(التحفة ٦٠)

3199. It was narrated that Abū Hurairah said: “I heard the Messenger of Allāh ﷺ say: ‘When you offer the funeral prayer for the deceased, supplicate sincerely for him.’” (*Ḥasan*)

٣١٩٩ - حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ يَحْيَى
الْحَرَّانِيُّ: حَدَّثَنِي مُحَمَّدٌ، يَغْنِي ابْنَ سَلَمَةَ،
عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ، عَنْ مُحَمَّدِ بْنِ
إِبْرَاهِيمَ، عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ،
عَنْ أَبِي هُرَيْرَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ
يَقُولُ: «إِذَا صَلَّيْتُمْ عَلَى الْمَيِّتِ فَأَخْلِصُوا لَهُ
الدُّعَاءَ».

تخريج: [إسناده حسن] أخرجه ابن ماجه، الجنائز، باب ما جاء في الدعاء في الصلاة على الجنازة، ح: ١٤٩٧ من حديث محمد بن سلمة به وصححه ابن حبان، ح: ٧٥٤، ٧٥٥ * ابن إسحاق صرح بالسمع.

3200. ‘Alī bin Shammākh said: “I saw Marwān ask Abū Hurairah:

٣٢٠٠ - حَدَّثَنَا أَبُو مَعْمَرٍ عَبْدُ اللَّهِ بْنُ
عَمْرٍو: حَدَّثَنَا عَبْدُ الْوَارِثِ: حَدَّثَنَا أَبُو

'How did you hear the Messenger of Allāh ﷺ offering the funeral prayer?' He said: 'Even though you said what you said?' He said: 'Yes.'" He (the narrator) said: "They had exchanged words before that." Abū Hurairah said: "*Allāhumma! Anta rabbuhā, wa anta khalaqtahā, wa anta hadaitahā lil-islāmi, wa anta qabadta rūhahā, wa anta a'lamu bisirrihā wa 'alāniyatihā. Ji'na shufa'ā* (lahu) *faghfir lahu* (O Allāh, You are his Lord and You created him and guided him to Islam, and (now) You have taken his soul, and You know best about his secrets and his outward appearance. We have come to intercede for him, so forgive him)." (*Hasan*)

Abū Dāwud said: *Shu'bah* made a mistake in 'Alī bin *Shammākh*'s name, he said: "'Uthmān bin *Shammās*."

Abū Dāwud said: I heard Aḥmad bin Ibrāhīm Al-Mawṣilī narrating to Aḥmad bin Ḥanbal, he said: "I do not know that I sat in any sitting with Ḥammad bin Zaid except that in it, he prohibited (narrating) from 'Abdul-Wārith and Ja'far bin Sulaimān."

تخريج: [إسناده حسن] أخرجه أحمد: ٣٦٣/٢ والنسائي في عمل اليوم والليلة، ح: ١٠٧٨ من حديث عبد الوارث به * علي بن شماس ذكره ابن حبان في الثقات وبعثه سعيد بن العاص إلى المدينة وحسن له الحافظ في الفتوحات الربانية: ١٧٦/٥.

3201. It was narrated that Abū Hurairah said: "The Messenger of Allāh ﷺ offered the funeral prayer and said: '*Allāhummaghfirli-hayyānā wa mayyitinā, wa ṣaghīrinā wa*

الْجُلَاسِ عُقْبَةُ بْنُ سَيَّارٍ أَوْ سَيَّانٍ: حَدَّثَنِي عَلِيُّ بْنُ شَمَاحٍ قَالَ: شَهِدْتُ مَرَوَانَ سَأَلَ أَبَا هُرَيْرَةَ: كَيْفَ سَمِعْتَ رَسُولَ اللَّهِ ﷺ يُصَلِّي عَلَى الْجَنَازَةِ؟ قَالَ: أَمَعَ الَّذِي قُلْتُ؟ قَالَ: نَعَمْ - قَالَ: كَلَامٌ كَانَ بَيْنَهُمَا قَبْلَ ذَلِكَ - قَالَ أَبُو هُرَيْرَةَ: «اللَّهُمَّ! أَنْتَ رَبُّهَا وَأَنْتَ خَلَقْتَهَا وَأَنْتَ هَدَيْتَهَا لِلْإِسْلَامِ وَأَنْتَ قَبَضْتَ رُوحَهَا وَأَنْتَ أَعْلَمُ بِسِرِّهَا وَعَلَانِيَتِهَا، جِئْنَا شَفَعَاءَ [لَهُ] فَاعْفِرْ لَهُ».

قَالَ أَبُو دَاوُدَ: أَخْطَأَ شُعْبَةُ فِي اسْمِ عَلِيِّ بْنِ شَمَاحٍ قَالَ فِيهِ: عُثْمَانُ بْنُ شَمَاسٍ.

قَالَ أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ بْنَ إِبْرَاهِيمَ الْمُوَصِّلِيَّ يُحَدِّثُ أَحْمَدَ بْنَ حَنْبَلٍ قَالَ: مَا أَعْلَمُ أَنِّي جَلَسْتُ مِنْ حَمَادِ بْنِ زَيْدٍ مَجْلِسًا إِلَّا نَهَى فِيهِ عَنْ عَبْدِ الْوَارِثِ وَجَعْفَرِ بْنِ سُلَيْمَانَ.

٣٢٠١ - حَدَّثَنَا مُوسَى بْنُ مَرْوَانَ الرَّقِّيُّ: حَدَّثَنَا شُعَيْبُ بْنُ يَحْيَى ابْنُ إِسْحَاقَ، عَنْ الْأَوْزَاعِيِّ، عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ، عَنْ أَبِي

kabīrinā, wa dhakarīnā wa unthānā, wa shāhidīnā wa ghā'ibīnā. Allāhumma man ahyaitahu minnā fa ahyihi 'alal-Īmān, wa man tawaffaitahu minnā fatawaffahu 'alal-Islām. Allāhumma! Lā tahrīmā ajrahu wa lā tuḍillānā ba'dahu (O Allāh, forgive our living and our dead, our young and our old, our male and our female, our present and our absent ones. O Allāh, whomever You give life among us, cause him to live upon faith, and whomever You cause to die among us, cause him to die upon Islam. O Allāh, do not deprive us of his reward and do not cause us to go astray after that).”
(*Ḥasan*)

سَلَمَةً، عَنْ أَبِي هُرَيْرَةَ قَالَ: صَلَّى رَسُولُ اللَّهِ ﷺ عَلَى جَنَازَةٍ فَقَالَ: «اللَّهُمَّ! اغْفِرْ لِحَيِّنَا وَمَيِّتِنَا، وَصَغِيرِنَا وَكَبِيرِنَا، وَذَكَرِنَا وَأُنْثَانَا، وَشَاهِدِنَا وَغَائِبِنَا. اللَّهُمَّ! مَنْ أَحْيَيْتَهُ مِنَّا فَأَحْيِهِ عَلَى الْإِيمَانِ، وَمَنْ تَوَفَّيْتَهُ مِنَّا فَتَوَفَّهُ عَلَى الْإِسْلَامِ. اللَّهُمَّ! لَا تُحْرِمْنَا أَجْرَهُ، وَلَا تُضِلَّنَا بَعْدَهُ».

تخريج: [إسناده حسن] أخرجه الترمذي، الجنائز، باب ما يقول في الصلاة على الميت، ح: ١٠٢٤ من حديث الأوزاعي به وذكر كلاماً، وصححه ابن حبان، ح: ٧٥٧ والحاكم: ٣٥٨/١ على شرط الشيخين ووافقه الذهبي وللحديث شواهد * يحيى بن أبي كثير: صرح بالسماع.

3202. It was narrated that Wāḥilah bin Al-Asqa' said: "The Messenger of Allāh ﷺ led us in offering the funeral prayer for a Muslim man, and I heard him say: '*Allāhumma! Innā fulāna bin fulāna fī dhimmatika faqihi fitnatal-qabr* (O Allāh, so-and-so, the son of so-and-so is under Your protection; protect him from the trial of the grave)." 'Abdur-Raḥmān (one of the narrators) said: "*Fī dhimmatika wa ḥabli jiwārika, faqihi min fitnatil-qabri wa 'adhābin-nār, wa anta aḥlul-wafā'ir wal-ḥaqq. Allāhummaghfirahu warḥamhu, innaka antal-ghafūrur-raḥīm* (under Your protection and care, so

٣٢٠٢ - حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ إِبْرَاهِيمَ الدَّمَشَقِيُّ: حَدَّثَنَا الْوَلِيدُ؛ ح: وَ حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا الْوَلِيدُ، وَحَدِيثُ عَبْدِ الرَّحْمَنِ أَيْمٌ قَالَ: حَدَّثَنَا مَرْوَانُ ابْنُ جَنَاحٍ عَنْ يُونُسَ بْنِ مَيْسَرَةَ بْنِ حَلَسٍ، عَنْ وَائِلَةَ بْنِ الْأَسْقَعِ قَالَ: صَلَّى بِنَا رَسُولُ اللَّهِ ﷺ عَلَى رَجُلٍ مِنَ الْمُسْلِمِينَ فَسَمِعْتُهُ يَقُولُ: «اللَّهُمَّ إِنَّ فُلَانًا بَنَ فُلَانٍ فِي ذِمَّتِكَ فَقِهِ فِتْنَةَ الْقَبْرِ». قَالَ عَبْدُ الرَّحْمَنِ: «فِي ذِمَّتِكَ وَحَبْلِي جِوَارِكَ، فَقِهِ مِنْ فِتْنَةِ الْقَبْرِ وَعَذَابِ النَّارِ، وَأَنْتَ أَهْلُ الْوَفَاءِ وَالْحَقِّ اللَّهُمَّ فَاغْفِرْ لَهُ وَارْحَمْهُ إِنَّكَ أَنْتَ الْغَفُورُ

protect him from the trial of the grave and the torment of Hellfire, for verily You are faithful to Your promise and You are the Truth. O Allāh, forgive him and have mercy on him, for You are the Most Forgiving, Most Merciful.)” (Ṣaḥīḥ)

الرَّحِيمُ». قَالَ عَبْدُ الرَّحْمَنِ: عَنْ مَرْوَانَ بْنِ جَنَاحٍ.

تخريج: [صحيح] أخرجه ابن ماجه، الجنائز، باب ما جاء في الدعاء في الصلاة على الجنازة، ح: ١٤٩٩ عن عبد الرحمن بن إبراهيم به وصححه ابن حبان، ح: ٧٥٨ * الوليد بن مسلم، صرح بالسماع المسلسل انظر الأوسط لابن المنذر: ٤٤١/٥، ح: ٣١٧٣.

Chapter 55, 57. Praying At The Graveside

(المعجم ٥٥، ٥٧) - بَابُ الصَّلَاةِ عَلَى الْقَبْرِ (التحفة ٦١)

3203. It was narrated from Abū Hurairah that a black woman or a man used to sweep the *Masjid*, and the Prophet ﷺ noticed that he was missing so he asked about him. It was said that he had died. He said: “Why did you not tell me about him?” He said: “Show me where his grave is.” So they showed him, and he performed the funeral prayer for him. (Ṣaḥīḥ)

٣٢٠٣ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ وَمُسَدَّدٌ قَالَا: حَدَّثَنَا حَمَّادٌ عَنْ ثَابِتٍ، عَنْ أَبِي رَافِعٍ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ امْرَأَةً سَوْدَاءَ أَوْ رَجُلًا كَانَ يَقُمُ الْمَسْجِدَ، فَفَقَدَهُ النَّبِيُّ ﷺ فَسَأَلَ عَنْهُ، فَقِيلَ مَاتَ، فَقَالَ: «أَلَا أَذُنُومِي بِهِ»، قَالَ: «ذُلُونِي عَلَى قَبْرِهِ»، فَذُلُّوه، فَصَلَّى عَلَيْهِ.

تخريج: أخرجه البخاري، الصلاة، باب كنس المسجد والتقاط الخرق والقذى والعيذان، ح: ٤٥٨ عن سليمان بن حرب، ومسلم، الجنائز، باب الصلاة على القبر، ح: ٩٥٦ من حديث حماد بن زيد به.

Comments:

It is permissible to perform the funeral prayer beside the deceased person's grave, if need be.

Chapter 56, 58. Performing The Funeral Prayer For A Muslim Who Dies In The Land Of *Shirk*

(المعجم ٥٦، ٥٨) - بَابُ الصَّلَاةِ عَلَى الْمُسْلِمِ يَمُوتُ فِي بِلَادِ الشِّرْكِ (التحفة ٦٢)

3204. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ announced the death of

٣٢٠٤ - حَدَّثَنَا الْقُعْنَبِيُّ قَالَ: قَرَأْتُ عَلَى مَالِكِ بْنِ أَنَسٍ عَنْ ابْنِ شِهَابٍ، عَنْ سَعِيدِ

An-Najāshī to the people on the day that he died, and he led them out to the *Muṣalla* and aligned them in rows, and said four *Takbīr*. (*Ṣaḥīḥ*)

ابْنُ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ نَعَى لِلنَّاسِ النَّجَاشِيَّ فِي الْيَوْمِ الَّذِي مَاتَ فِيهِ وَخَرَجَ بِهِمْ إِلَى الْمُصَلَّى فَصَفَّ بِهِمْ وَكَبَّرَ أَرْبَعَ تَكْبِيرَاتٍ.

تخريج: أخرجه البخاري، الجنائز، باب الرجل ينعى إلى أهل الميت بنفسه، ح: ١٢٤٥ ومسلم، الجنائز، باب: في التكبير على الجنازة، ح: ٩٥١ من حديث مالك به وهو في الموطأ (يحيى): ٢٢٦/١، ٢٢٧.

3205. It was narrated from Abū Burdah that his father said: “The Messenger of Allāh ﷺ commanded us to go out to the land of An-Najāshī,” and he quoted the *Ḥadīth*. An-Najāshī said: “I bear witness that he is the Messenger of Allāh ﷺ and that he is the one foretold by ‘Eisā bin Maryam. Were it not for the position of kingship that I am in, I would come to him and carry his shoes.” (*Ḍaʿīf*)

٣٢٠٥ - حَدَّثَنَا عَبْدُ بْنُ مُوسَى: حَدَّثَنَا إِسْمَاعِيلُ يَعْنِي ابْنَ جَعْفَرٍ، عَنْ إِسْرَائِيلَ، عَنْ أَبِي إِسْحَاقَ، عَنْ أَبِي بُرْدَةَ، عَنْ أَبِيهِ قَالَ: أَمَرَنَا رَسُولُ اللَّهِ ﷺ أَنْ نَنْطَلِقَ إِلَى أَرْضِ النَّجَاشِيِّ فَذَكَرَ حَدِيثَهُ. قَالَ النَّجَاشِيُّ: أَشْهَدُ أَنَّهُ رَسُولُ اللَّهِ ﷺ وَأَنَّهُ الَّذِي بَشَّرَ بِهِ عِيسَى ابْنُ مَرْيَمَ وَلَوْلَا مَا أَنَا فِيهِ مِنَ الْمُلْكِ لَأَتَيْتُهُ حَتَّى أَحْمِلَ نَعْلَيْهِ.

تخريج: [إسناده ضعيف] أخرجه عبد بن حميد، ح: ٥٥٠ من حديث إسرائيل به * أبو إسحاق: مدلس وعنعن.

Chapter 57, 59. Putting More Than One Deceased Person In A Grave And Marking The Grave

3206. It was reported from Kathīr bin Zaid Al-Madanī, from Al-Muṭṭalib who said: “When ‘Uthmān bin Ma’zūn died, his *Janāzah* was brought out and he was buried. Then the Messenger of Allāh ﷺ told a man to bring him a rock but he could not carry it, so the Messenger of Allāh ﷺ stood up and rolled up his sleeves” — Kathīr said: “Al-Muṭṭalib said: ‘The

(المعجم ٥٧، ٥٩) **بَابُ: فِي جَمْعِ الْمَوْتَى فِي قَبْرِ وَالْقَبْرِ يُعْلَمُ** (التحفة ٦٣)

٣٢٠٦ - حَدَّثَنَا عَبْدُ الْوَهَّابِ بْنُ نَجْدَةَ: حَدَّثَنَا سَعِيدُ بْنُ سَالِمٍ، ح: وَحَدَّثَنَا يَحْيَى بْنُ الْفَضْلِ السَّجِسْتَانِيُّ: حَدَّثَنَا حَاتِمٌ يَعْنِي ابْنَ إِسْمَاعِيلَ، بِمَعْنَاهُ عَنْ كَثِيرِ بْنِ زَيْدِ الْمَدَنِيِّ، عَنْ الْمُطَّلِبِ قَالَ: لَمَّا مَاتَ عُثْمَانُ بْنُ مَطْعُونٍ أُخْرِجَ بِجَنَازَتِهِ فَلَدِفَ، فَأَمَرَ النَّبِيُّ ﷺ رَجُلًا أَنْ يَأْتِيَهُ بِحَجَرٍ فَلَمْ يَسْتَطِعْ حَمْلَهُ، فَقَامَ

one who informed me of that from the Messenger of Allāh ﷺ said: 'It is as if I can see the whiteness of the forearms of the Messenger of Allāh ﷺ — when he rolled up (his sleeves) then he carried it and put it at his head, and said: "I am marking the grave of my brother with it, and I shall bury here whoever dies of my family." (Hasan)

إِلَيْهَا رَسُولُ اللَّهِ ﷺ وَحَسَرَ عَنْ ذِرَاعَيْهِ - قَالَ كَثِيرٌ: قَالَ الْمُطَّلِبُ: قَالَ الَّذِي يُخْبِرُنِي ذَلِكَ عَنْ رَسُولِ اللَّهِ ﷺ قَالَ: كَأَنِّي أَنْظُرُ إِلَى بَيَاضِ ذِرَاعِي رَسُولِ اللَّهِ ﷺ حِينَ حَسَرَ عَنْهُمَا - ثُمَّ حَمَلَهَا فَوَضَعَهَا عِنْدَ رَأْسِهِ وَقَالَ: «أَتَعْلَمُ بِهَا قَبْرَ أَخِي وَأَذْفُنْ إِلَيْهِ مَنْ مَاتَ مِنْ أَهْلِي».

تخريج: [إسناده حسن] أخرجه البيهقي: ٤١٢/٣ من حديث أبي داود به وحسنه ابن الملقن في تحفة المحتاج، ح: ٨٨٤.

Comments:

It is permissible to put some sort of a mark on someone's grave so it will be known that it is a grave and where it is. But putting inscriptions on an erected stone, or pitching a flag on it is not permissible. Each one of us should try to keep the company of virtuous people. Even in death it is desirable to be in the company of pious people.

Chapter 58, 60. If A Gravedigger Finds Bones, Should He Leave That Place?

(المعجم ٥٨، ٦٠) بَابُ: فِي الْحَفَارِ يَجِدُ الْعَظْمَ هَلْ يَتَنَكَّبُ ذَلِكَ الْمَكَانَ؟ (التحفة ٦٤)

3207. It was narrated from 'Aishah that the Messenger of Allāh ﷺ said: "Breaking the bone of one who is dead is like breaking it when he is alive." (Hasan)

٣٢٠٧ - حَدَّثَنَا الْقَعْنَبِيُّ: حَدَّثَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ عَنْ سَعْدِ يَعْنِي ابْنَ سَعِيدٍ، عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، عَنْ عَائِشَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «كَسْرُ عَظْمٍ الْمَيِّتِ كَكَسْرِهِ حَيًّا».

تخريج: [إسناده حسن] أخرجه ابن ماجه، الجنائز، باب: في النهي عن كسر عظام الميت، ح: ١٦١٦ من حديث عبدالعزيز بن محمد الدراوردي به وصححه ابن حبان، ح: ٧٧٦ وابن الجارود، ح: ٥٥١ * سعد بن سعيد: حسن الحديث وثقه الجمهور.

Comments:

If, while digging a grave, the excavator discovers that someone else is buried there, it is desirable to move to another place. Scholars who hold the view that it is not allowed to take organs from the deceased, use this *Hadith* among their proofs as well, arguing that if this is the case with the bones, that it is even more so with the rest of the body.

Chapter 59, 61. The *Laḥd* (Niche)

(المعجم ٥٩، ٦١) بَابُ: فِي اللَّحْدِ

(التحفة ٦٥)

3208. It was narrated that Ibn ‘Abbās, may Allāh be pleased with him, said: “The Messenger of Allāh (ﷺ) said: ‘The *Laḥd* is for us and the ditch is for others.’” (*Da‘if*)

٣٢٠٨ - حَدَّثَنَا إِسْحَاقُ بْنُ إِسْمَاعِيلَ: حَدَّثَنَا حَكَّامُ بْنُ سَلَمٍ عَنْ عَلِيٍّ بْنِ عَبْدِ الْأَعْلَى، عَنْ أَبِيهِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُمَا قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «اللَّحْدُ لَنَا وَالشَّقُّ لِغَيْرِنَا».

تخريج: [إسناده ضعيف] أخرجه الترمذي، الجنائز، باب ما جاء في قول النبي ﷺ: "اللحد لنا والشق لغيرنا"، ح: ١٠٤٥ من حديث حكام به وقال: "حسن غريب" ورواه ابن ماجه، ح: ١٥٥٤ والنسائي، ح: ٢٠١١ وللحديث شواهد ضعيفة، وألحد لرسول الله ﷺ كما في صحيح مسلم، ح: ٩٦٦.

Comments:

The *Laḥd* is a niche, it is made by first digging a ditch and then excavating a horizontal area to act like a shelf on the side of that ditch, to insert the deceased. If there is no niche or shelf, it is referred to as a *Shaqq* or ditch.

Chapter 60, 62. How Many People Should Enter The Grave?

(المعجم ٦٠، ٦٢) بَابُ: كَمْ يَدْخُلُ

الْقَبْرِ؟ (التحفة ٦٦)

3209. It was narrated that ‘Āmir said: “The Messenger of Allāh (ﷺ) was washed by ‘Alī, Al-Faḍl and Usāmah bin Zaid, and they are the ones who placed him in his grave.” He (‘Āmir) said: “And Marḥab” or “Ibn Abī Marḥab narrated to me that they brought ‘Abdur-Raḥmān bin ‘Awf in with them, and when ‘Alī had finished, he said: ‘Only the family of the man takes care of him.’” (*Da‘if*)

٣٢٠٩ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا زُهَيْرٌ: حَدَّثَنَا إِسْمَاعِيلُ بْنُ أَبِي خَالِدٍ عَنْ عَامِرٍ قَالَ: غَسَلَ رَسُولُ اللَّهِ ﷺ عَلِيٌّ وَالْفَضْلُ وَأُسَامَةُ بْنُ زَيْدٍ وَهُمْ أَدْخَلُوهُ قَبْرَهُ. قَالَ: وَحَدَّثَنِي مُرَحَّبٌ - أَوْ ابْنُ أَبِي مُرَحَّبٍ - أَنَّهُمْ أَدْخَلُوا مَعَهُمْ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ، فَلَمَّا فَرَغَ عَلِيٌّ قَالَ: إِنَّمَا يَلِي الرَّجُلَ أَهْلُهُ.

تخريج: [إسناده ضعيف] أخرجه البيهقي: ٥٣/٤ من حديث أبي داود به * إسماعيل بن أبي خالد: نعنن، وزهير هو ابن معاوية.

3210. It was narrated from Ash-Sh'abī, from Abū Marḥab that 'Abdur-Raḥmān bin 'Awf went down in the grave of the Prophet ﷺ. He said: "It is as if I can see the four of them." (*Da'if*)

٣٢١٠ - حَدَّثَنَا مُحَمَّدُ بْنُ الصَّبَّاحِ بْنِ سَفْيَانَ: أَخْبَرَنَا سَفْيَانُ عَنْ ابْنِ أَبِي خَالِدٍ، عَنْ الشَّعْبِيِّ، عَنْ أَبِي مَرْحَبٍ: أَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَوْفٍ نَزَلَ فِي قَبْرِ النَّبِيِّ ﷺ قَالَ: كَأَنِّي أَنْظُرُ إِلَيْهِمْ أَرْبَعَةً.

تخريج: [إسناده ضعيف] وأخرجه البيهقي: ٥٣/٤ من حديث أبي داود به * سفيان الثوري: عنن وللحديث شواهد ضعيفة.

Chapter 61, 63. How The Deceased Should Be Placed Into His Grave

(المعجم ٦١، ٦٣) بَابُ: كَيْفَ يُدْخَلُ الْمَيِّتُ قَبْرَهُ؟ (التحفة ٦٧)

3211. It was narrated that Abū Ishāq said: "Al-Ḥārith told me that 'Abdullāh bin Yazīd should offer the funeral prayer for him, so he offered the prayer for him, then he placed him in the grave from the side where his feet would rest, and said: 'This is the *Sunnah*.'" (*Sahih*)

٣٢١١ - حَدَّثَنَا عُيَيْدُ اللَّهِ بْنُ مُعَاذٍ: حَدَّثَنَا أَبِي: حَدَّثَنَا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ قَالَ: أَوْصَى الْحَارِثُ أَنْ يُصَلِّيَ عَلَيْهِ عَبْدُ اللَّهِ بْنُ يَزِيدَ، فَصَلَّى عَلَيْهِ ثُمَّ أَدْخَلَهُ الْقَبْرَ مِنْ قِبَلِ رِجْلَيْ الْقَبْرِ وَقَالَ: هَذَا مِنَ السُّنَّةِ.

تخريج: [إسناده صحيح] أخرجه البخاري في التاريخ الصغير: ١/١٨٣ من حديث شعبة به وقال: "وهو الحارث بن عبدالله الأعور الهمداني" وقال البيهقي: ٥٤/٤: "هذا إسناده صحيح وقد قال هذا من السنة فصار كالمسند".

Chapter 62, 64. How to Sit by the Grave

(المعجم ٦٢، ٦٤) بَابُ: كَيْفَ يَجْلِسُ عِنْدَ الْقَبْرِ؟ (التحفة ٦٨)

3212. It was narrated that Al-Barā' bin 'Azib said: "We went out with the Messenger of Allāh ﷺ for the funeral of an *Anṣārī* man, but when we reached the grave, the *Lahd* (niche) had not yet been dug. The Prophet ﷺ sat down facing the *Qiblah* and we sat with him." (*Hasan*)

٣٢١٢ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ الْأَعْمَشِ، عَنِ الْمُنْهَالِ بْنِ عَمْرٍو، عَنْ زَادَانَ، عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ: خَرَجْنَا مَعَ رَسُولِ اللَّهِ ﷺ فِي جَنَازَةٍ رَجُلٍ مِنَ الْأَنْصَارِ، فَانْتَهَيْنَا إِلَى الْقَبْرِ وَلَمْ يُلْحَدْ بَعْدُ، فَجَلَسَ النَّبِيُّ ﷺ مُسْتَقْبِلَ الْقِبْلَةِ وَجَلَسْنَا مَعَهُ.

تخريج: [حسن] أخرجه ابن ماجه، الجنائز، باب ما جاء في الجلوس في المقابر، ح: ١٥٤٨ والنسائي، ح: ٢٠٠٣ من حديث المنهال به انظر، ح: ٤٧٥٣، ٤٧٥٤.

Chapter 63, 65. Supplicating For The Deceased When He Is Placed In His Grave

(المعجم ٦٣، ٦٥) **بَابُ: فِي الدُّعَاءِ لِلْمَيِّتِ إِذَا وُضِعَ فِي قَبْرِهِ (التحفة ٦٩)**

3213. It was narrated from Ibn ‘Umar that when the deceased was placed in the grave, the Prophet ﷺ would say: “*Bismillāh, wa ‘alā sunnati rasūlillāh ṣall Allāhu ‘alaihi wa sallam* (In the Name of Allāh and in accordance with the *Sunnah* of the Messenger of Allāh (ﷺ)).” This is the wording of Muslim. (*Ṣaḥīḥ*)

٣٢١٣ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ، ح: وَحَدَّثَنَا مُسْلِمُ بْنُ أَبِرَاهِيمَ: حَدَّثَنَا هَمَّامٌ عَنْ قَتَادَةَ، عَنْ أَبِي الصَّدِّيقِ، عَنْ ابْنِ عُمَرَ: أَنَّ النَّبِيَّ ﷺ كَانَ إِذَا وُضِعَ الْمَيِّتُ فِي الْقَبْرِ قَالَ: «بِسْمِ اللَّهِ وَعَلَى سُنَّةِ رَسُولِ اللَّهِ ﷺ». هَذَا لَفْظُ مُسْلِمٍ.

تخريج: [صحيح] أخرجه أحمد: ٢٧/٢ والنسائي في عمل اليوم والليلة، ح: ١٠٨٨ من حديث همام به وصححه ابن الجارود، ح: ٥٤٨ وابن حبان، ح: ٧٧٣ والحاكم على شرط الشيخين: ٣٦٦/١ ووافقه الذهبي، وللحديث شواهد وهو بها صحيح.

Chapter 64, 66. If A Man's Idolater Relative Dies

(المعجم ٦٤، ٦٦) - **بَابُ الرَّجُلِ يَمُوتُ لَهُ قَرَابَةٌ مُشْرِكٌ (التحفة ٧٠)**

3214. It was narrated from Nājiyah bin Ka'b, from ‘Alī, who said: “I said to the Prophet ﷺ: ‘Your paternal uncle, the misguided old man, has died.’ He said: ‘Go and bury your father, then do not do anything until you come to me.’ So I went and buried him, then I came to him, and he told me to perform *Ghusl* and supplicated for me.” (*Ḥasan*)

٣٢١٤ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا يَحْيَى عَنْ سُفْيَانَ: حَدَّثَنِي أَبُو إِسْحَاقَ عَنْ نَاجِيَةَ بْنِ كَعْبٍ، عَنْ عَلِيِّ قَالَ: قُلْتُ لِلنَّبِيِّ ﷺ: إِنَّ عَمَّكَ الشَّيْخَ الضَّالَّ قَدْ مَاتَ. قَالَ: «إِذَا هَبْتَ فَوَارِ أَبَاكَ ثُمَّ لَا تُحَدِّثَنَّ شَيْئًا حَتَّى تَأْتِيَنِي»، فَذَهَبْتُ فَوَارَيْتُهُ وَجِئْتُهُ فَأَمَرَنِي فَأَعْتَسَلْتُ وَدَعَا لِي.

تخريج: [حسن] أخرجه النسائي، الجنائز، باب مواراة المشرك، ح: ٢٠٠٨ من حديث يحيى القطان به وأبو إسحاق صرح بالسماع وحسنه ابن الملقن في تحفة المحتاج، ح: ٨٦٨.

Chapter 65, 67. Making The Grave Deep

3215. It was narrated from Ḥumaid, meaning Ibn Hilāl, from Hishām bin ‘Āmir that he said: “The *Anṣār* came to the Messenger of Allāh (ﷺ) on the Day of Uḥud, and said: ‘We are wounded and exhausted; what do you command us to do?’ He said: ‘Dig and make it wide, and put two or three men in one grave.’ It was said: ‘Which of them should we put first?’ He said: ‘The one who knew more Qur’ān.’”

He said: “My father, ‘Āmir, was killed that day, and he was buried between two others,” or he said: “with another.” (*Ṣaḥīḥ*)

تخريج: [إسناده صحيح] أخرجه الترمذي، الجهاد، باب ما جاء في دفن الشهداء، ح: ١٧١٣ من حديث حميد بن هلال به وصرح بالسماع عند أحمد: ٢٠/٤ وقال الترمذي: "حسن صحيح" ورواه النسائي، ح: ٢٠١٢ وابن ماجه، ح: ١٥٦٠.

3216. (Another chain) from Ḥumaid bin Hilāl with his chain and its meaning, and he added in: “And make it deep.” (*Ṣaḥīḥ*)

(المعجم ٦٥، ٦٧) بَابُ: فِي تَعْمِيقِ الْقَبْرِ
(التحفة ٧١)

٣٢١٥ - حَدَّثَنَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ: أَنَّ سُلَيْمَانَ بْنَ الْمُغِيرَةِ حَدَّثَهُمْ عَنْ حُمَيْدٍ يَعْنِي ابْنَ هِلَالٍ، عَنْ هِشَامِ بْنِ عَامِرٍ قَالَ: جَاءَتِ الْأَنْصَارُ إِلَى رَسُولِ اللَّهِ ﷺ يَوْمَ أُحُدٍ فَقَالُوا: أَصَابَنَا قَرْحٌ وَجَهْدٌ فَكَيْفَ تَأْمُرُنَا؟ قَالَ: «اخْفِرُوا وَأَوْسِعُوا وَاجْعَلُوا الرُّجُلَيْنِ وَالثَّلَاثَةَ فِي الْقَبْرِ»، قِيلَ: فَأَيُّهُمْ يُقَدَّمُ؟ قَالَ: «أَكْثَرُهُمْ قُرْآنًا».

قَالَ: أُصِيبَ أَبِي يَوْمَئِذٍ عَامِرٌ [فَدُفِنَ] بَيْنَ اثْنَيْنِ، أَوْ قَالَ: وَاحِدٍ.

٣٢١٦ - حَدَّثَنَا أَبُو صَالِحٍ يَعْنِي الْأَنْطَاكِيُّ: أَخْبَرَنَا أَبُو إِسْحَاقَ يَعْنِي الْفَرَارِيُّ، عَنِ الثَّوْرِيِّ، عَنْ أَيُّوبَ، عَنْ حُمَيْدِ بْنِ هِلَالٍ بِإِسْنَادِهِ وَمَعْنَاهُ زَادَ فِيهِ: «وَأَعْمِقُوا».

تخريج: [صحيح] انظر الحديث السابق وأخرجه النسائي، ح: ٢٠١٢ من حديث الثوري به.

3217. This *Hadīth* was narrated from Sa’d bin Hishām bin ‘Āmir (similar to no. 8215). (*Ṣaḥīḥ*)

٣٢١٧ - حَدَّثَنَا مُوسَى بْنُ إِسْمَاعِيلَ: حَدَّثَنَا جَرِيرٌ: حَدَّثَنَا حُمَيْدٌ يَعْنِي ابْنَ هِلَالٍ، عَنْ سَعْدِ بْنِ هِشَامِ بْنِ عَامِرٍ بِهَذَا الْحَدِيثِ.

تخريج: [صحيح] انظر الحديثين السابقين وأخرجه البيهقي: ٤١٤/٣ من حديث أبي داود به.

Chapter 66, 68. Leveling The Grave

3218. It was narrated that Abū Hayyāj Al-Asadī said: “‘Alī sent me (on a mission) and said to me: ‘I am sending you on the same mission as the Messenger of Allāh ﷺ sent me: “Do not leave any raised grave without leveling it, or any image without obliterating it.”’ (Ṣaḥīḥ)

تخریج: أخرجه مسلم، باب الأمر بتسوية القبر، ح: ٩٦٩ من حديث سفیان به.

3219. Abū ‘Alī Al-Hamdānī said: “We were with Faḍālah bin ‘Ubaid in Rūdhis (Rhodes), in the land of the Byzantines, and a companion of ours died. Faḍālah ordered that his grave be leveled, then he said: ‘I heard the Messenger of Allāh ﷺ enjoining that they be leveled.’” (Ṣaḥīḥ)

Abū Dāwud said: Rudhis is an island in the sea.

(المعجم ٦٦، ٦٨) بَابُ: فِي تَسْوِيَةِ الْقَبْرِ
(التحفة ٧٢)

٣٢١٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ: حَدَّثَنَا حَبِيبُ بْنُ أَبِي ثَابِتٍ عَنْ أَبِي وَائِلٍ، عَنْ أَبِي هَيَّاجٍ الْأَسَدِيِّ قَالَ: بَعَثَنِي عَلَيَّ قَالَ لِي: أَبْعَثَكَ عَلَى مَا بَعَثَنِي عَلَيْهِ رَسُولُ اللَّهِ ﷺ أَنْ لَا أَدَعَ قَبْرًا مُشْرِفًا إِلَّا سَوَّيْتُهُ وَلَا تِمْنَالًا إِلَّا طَمَسْتُهُ.

٣٢١٩ - حَدَّثَنَا أَحْمَدُ بْنُ عَمْرٍو بْنِ السَّرْحِ قَالَ: حَدَّثَنَا ابْنُ وَهْبٍ: حَدَّثَنِي عَمْرُو بْنُ الْحَارِثِ أَنَّ أَبَا عَلِيٍّ الْهَمْدَانِيَّ حَدَّثَهُ قَالَ: كُنَّا عِنْدَ فَضَالَةَ بْنِ عُبَيْدٍ بِرُودِسَ بِأَرْضِ الرُّومِ فَتَوَفَّيَ صَاحِبٌ لَنَا، فَأَمَرَ فَضَالَةُ بِقَبْرِهِ فَسَوَّيْتُ ثُمَّ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ ﷺ يَأْمُرُ بِتَسْوِيَتِهَا.

قَالَ أَبُو دَاوُدَ: رُودِسُ جَزِيرَةٌ فِي الْبَحْرِ.

تخریج: أخرجه مسلم، انظر الحديث السابق، ح: ٩٦٨ عن أحمد بن عمرو بن السرح به.

Comments:

Rhodes is 19 kilometers to the southwest of Turkey, and is situated at the confluence of the Mediterranean and the Lake of Ixia. Muslims first entered it in 53 AH during the time of Mu‘āwiyah.

3220. It was narrated that Al-Qāsim said: “I entered upon ‘Āishah and said: ‘O mother, show me the grave of the Messenger of Allāh ﷺ, and his two Companions, may Allāh be pleased with them.’ She showed me three graves which were neither high nor low, covered

٣٢٢٠ - حَدَّثَنَا أَحْمَدُ بْنُ صَالِحٍ: حَدَّثَنَا ابْنُ أَبِي فُدَيْكٍ: أَخْبَرَنِي عَمْرُو بْنُ عُثْمَانَ بْنِ هَانِيٍّ عَنْ الْقَاسِمِ قَالَ: دَخَلْتُ عَلَى عَائِشَةَ فَقُلْتُ: يَا أُمُّهُ! اكْشِفِي لِي عَنْ قَبْرِ رَسُولِ اللَّهِ ﷺ وَصَاحِبَيْهِ رَضِيَ اللَّهُ عَنْهُمَا فَكَشَفَتْ لِي

with soft red pebbles in an open space.” (Hasan)

Abū ‘Alī (Al-Lu’lu’i) said: “It was said that the Messenger of Allāh ﷺ was in front, with Abū Bakr by his head and ‘Umar by his feet, and his head was by the feet of the Messenger of Allāh ﷺ.”

عَنْ ثَلَاثَةِ قُبُورٍ لَا مُشْرِفَةَ وَلَا لَاطِئَةَ، مَبْطُوحَةً يَبْطَحُهَا الْعَرَضَةُ الْحُمْرَاءُ.

قال أبو علي [اللؤلؤي]: يُقَالُ: إِنَّ رَسُولَ اللَّهِ ﷺ مُقَدَّمٌ وَأَبُو بَكْرٍ عِنْدَ رَأْسِهِ وَعُمَرُ عِنْدَ رِجْلَيْهِ، رَأْسُهُ عِنْدَ رِجْلَيْ رَسُولِ اللَّهِ ﷺ.

تخريج: [إسناده حسن] أخرجه البيهقي: ٣/٤ من حديث ابن أبي فديك به وصححه الحاكم: ٣٦٩/١، ٣٧٠ ووافقه الذهبي * القاسم هو ابن محمد.

Chapter 67, 69. Praying For Forgiveness For The Deceased By The Grave At The Time Of Departing (Burial)

3221. It was narrated from Hānī, the freed slave of ‘Uthmān, that ‘Uthmān bin ‘Affān said: “When the Prophet ﷺ had finished burying a deceased person, he would stand over him, and say: ‘Pray for forgiveness for your brother, and ask that he be made steadfast, for he is being questioned now.’” (Hasan)

(المعجم ٦٧، ٦٩) - بَابُ الْاسْتِغْفَارِ عِنْدَ الْقَبْرِ لِلْمَيِّتِ فِي وَقْتِ الْأَنْصِرَافِ (التحفة ٧٣)

٣٢٢١ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: حَدَّثَنَا هِشَامٌ عَنْ عَبْدِ اللَّهِ بْنِ بَجِيرٍ ابْنِ رَيْسَانَ، عَنْ هَانِيٍّ مَوْلَى عُثْمَانَ، عَنْ عُثْمَانَ بْنِ عَفَّانَ قَالَ: كَانَ النَّبِيُّ ﷺ إِذَا فَرَغَ مِنْ دَفْنِ الْمَيِّتِ وَقَفَ عَلَيْهِ فَقَالَ: «اسْتَغْفِرُوا لِأَخِيكُمْ وَاسْأَلُوا لَهُ بِالثَّبَاتِ فَإِنَّهُ الْآنَ يُسْأَلُ».

قَالَ أَبُو دَاوُدَ: بَجِيرُ بْنُ رَيْسَانَ.

تخريج: [إسناده حسن] أخرجه البيهقي: ٥٦/٤ من حديث هشام بن يوسف به مطولاً وصححه الحاكم: ٣٧/١ ووافقه الذهبي.

Comments:

Before retreating from the grave after burial, it is *Sunnah* to supplicate to Allāh to forgive the deceased person and make him steadfast.

Chapter 68, 70. It Is Disliked To Slaughter (An Animal) By A Grave

3222. It was narrated that Anas said: “The Messenger of Allāh ﷺ

(المعجم ٦٨، ٧٠) - بَابُ كَرَاهِيَةِ الذَّبْحِ عِنْدَ الْقَبْرِ (التحفة ٧٤)

٣٢٢٢ - حَدَّثَنَا يَحْيَى بْنُ مُوسَى الْبَلْخِيُّ: حَدَّثَنَا عَبْدُ الرَّزَّاقِ: أَخْبَرَنَا مَعْمَرٌ عَنْ ثَابِتٍ،

said: 'There is no 'Aqr in Islam.'”
(*Ṣaḥīḥ*)

‘Abdur-Razzāq said: They used to perform ‘Aqr by slaughtering cows and other things at graves.

عن أنسٍ قال: قال رسولُ الله ﷺ: «لَا عَقْرَ فِي الْإِسْلَامِ».

قال عَبْدُ الرَّزَّاقِ: كَانُوا يَغْفِرُونَ عِنْدَ الْقَبْرِ يَعْنِي بِفَرَّةٍ أَوْ بِشَيْءٍ.

تخريج: [إسناده صحيح] أخرجه أحمد: ١٩٧/٣ عن عبد الرزاق به وهو في المصنف، ح: ٦٦٩٠ بطوله وصححه ابن حبان، ح: ٧٣٨.

Chapter 69, 71. Offering The Funeral Prayer At Graves After A While

(المعجم ٦٩، ٧١) - بَابُ الصَّلَاةِ عَلَى الْقَبْرِ بَعْدَ حِينٍ (التحفة ٧٥)

3223. It was narrated from Yazid bin Abī Ḥabīb, from Abū Al-Khair, from ‘Uqbah bin ‘Āmir that the Messenger of Allāh ﷺ went out one day and offered the funeral prayer for the dead people of Uḥud. Then he left. (*Ṣaḥīḥ*)

٣٢٢٣ - حَدَّثَنَا قُتَيْبَةُ بْنُ سَعِيدٍ: حَدَّثَنَا اللَّيْثُ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ، عَنْ أَبِي الْخَيْرِ، عَنْ عُقْبَةَ بْنِ عَامِرٍ: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ يَوْمًا فَصَلَّى عَلَى أَهْلِ أُحُدٍ صَلَاتَهُ عَلَى الْمَيِّتِ ثُمَّ انْصَرَفَ.

تخريج: أخرجه البخاري، الرقاق، باب ما يحذر من زهرة الدنيا والتنافس فيها، ح: ٦٤٢٦ ومسلم، الفضائل، باب إثبات حوض نبينا ﷺ وصفاته، ح: ٢٢٩٦ عن قتيبة به.

3224. (Another chain) from Yazid bin Abi Ḥabīb, with this *Ḥadīth*. He said: “The Prophet ﷺ offered the funeral prayer for the slain of Uḥud eight years later, as if bidding farewell to the living and the dead. (*Ṣaḥīḥ*)

٣٢٢٤ - حَدَّثَنَا الْحَسَنُ بْنُ عَلِيٍّ: حَدَّثَنَا يَحْيَى بْنُ آدَمَ: حَدَّثَنَا ابْنُ الْمُبَارَكِ عَنْ حَيَّوَةَ ابْنِ شُرَيْحٍ، عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ بِهَذَا الْحَدِيثِ قَالَ: إِنَّ النَّبِيَّ ﷺ صَلَّى عَلَى قَتْلَى أُحُدٍ بَعْدَ ثَمَانِي سِنِينَ كَالْمُودِّعِ لِلْأَحْيَاءِ وَالْأَمْوَاتِ.

تخريج: [صحيح] أخرجه البخاري، المغازي، باب غزوة أحد ... إلخ، ح: ٤٠٤٢ من حديث ابن المبارك به وانظر الحديث السابق.

Chapter 70, 72. Building Structures Over Graves

(المعجم ٧٠، ٧٢) بَابُ: فِي الْبِنَاءِ عَلَى الْقَبْرِ (التحفة ٧٦)

3225. Abū Az-Zubair narrated that he heard Jābir say: “I heard the

٣٢٢٥ - حَدَّثَنَا أَحْمَدُ بْنُ حَنْبَلٍ: حَدَّثَنَا

Prophet ﷺ forbid sitting on graves and plastering or building structures over them.” (*Ṣaḥīḥ*)

عَبْدُ الرَّزَّاقِ: حَدَّثَنَا ابْنُ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرًا يَقُولُ: سَمِعْتُ النَّبِيَّ ﷺ نَهَى أَنْ يُقَعَّدَ عَلَى الْقَبْرِ وَأَنْ يُقَصَّصَ وَيُنْبَنَى عَلَيْهِ.

تخريج: أخرجه مسلم، الجنائز، باب النهي عن تحصيص القبر والبناء عليه، ح: ٩٧٠ من حديث عبدالرزاق به وهو في المصنف له، ح: ٦٤٨٨ ومسنده أحمد: ٣/٣٣٩.

3226. (Another chain) from Ibn Abī Az-Zubair, from Jābir, with this *Hadīth* (Similar to no. 2225). (*Ṣaḥīḥ*)

٣٢٢٦ - حَدَّثَنَا مُسَدَّدٌ وَعُثْمَانُ بْنُ أَبِي شَيْبَةَ قَالَا: حَدَّثَنَا حَفْصُ بْنُ غِيَاثٍ عَنْ ابْنِ جُرَيْجٍ، عَنْ سُلَيْمَانَ بْنِ مُوسَى، وَعَنْ أَبِي الزُّبَيْرِ، عَنْ جَابِرٍ بِهَذَا الْحَدِيثِ.
قَالَ أَبُو دَاوُدَ: قَالَ عُثْمَانُ: أَوْ يُرَادَ عَلَيْهِ وَرَادَ سُلَيْمَانُ بْنُ مُوسَى: أَوْ أَنْ يُكْتَبَ عَلَيْهِ وَلَمْ يَذْكُرْ مُسَدَّدٌ فِي حَدِيثِهِ: أَوْ يُرَادَ عَلَيْهِ.
قَالَ أَبُو دَاوُدَ: خَفِيَ عَلَيَّ مِنْ حَدِيثِ مُسَدَّدٍ: حَرْفٌ. وَأَنْ.

تخريج: أخرجه مسلم، ح: ٩٧٠ من حديث حفص بن غياث به انظر الحديث السابق.

Comments:

Putting an inscription on the grave containing the deceased person's name and lineage or words of praise for him, or writing the names of Allāh or His Messenger ﷺ, or Verses from the Qur'an, all this is prohibited in Islam. Nevertheless, putting up some sort of a marker, like what the Allāh's Messenger ﷺ did when he put a stone on the grave of 'Uthmān bin Maẓ'ūn, is permissible.

3227. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ said: “May Allāh curse the Jews, for they took the graves of their Prophets as places of *Masjid* (prostration).” (*Ṣaḥīḥ*)

٣٢٢٧ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ ابْنِ شِهَابٍ، عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ، عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ ﷺ قَالَ: «قَاتَلَ اللَّهُ الْيَهُودَ اتَّخَذُوا قُبُورَ أَنْبِيَائِهِمْ مَسَاجِدَ».

تخريج: أخرجه البخاري، الصلاة، باب بعد باب الصلاة في البيعة، ح: ٤٣٧ عن عبدالله بن مسلمة القعنبي ومسلم، المساجد، باب النهي عن بناء المسجد على القبور ... إلخ، ح: ٥٣٠ من حديث مالك به وهو في الموطأ (رواية ابن عبدالبر/ التمهيد): ٦/٣٨٣.

Comments:

Building places of worship over graves is among the things prohibited in Islam.

Chapter 71, 73. It Is Disliked To Sit On Graves

3228. It was narrated that Abū Hurairah said: “The Messenger of Allāh ﷺ said: ‘If one of you were to sit on a live coal and have it burn his clothes until it reached his skin, that would be better for him than sitting on a grave.’” (*Ṣaḥīḥ*)

(المعجم ٧١، ٧٣) بَابُ: فِي كَرَاهِيَةِ الْقُعُودِ عَلَى الْقَبْرِ (التحفة ٧٧)

٣٢٢٨ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا خَالِدٌ: حَدَّثَنَا سُهَيْلُ بْنُ أَبِي صَالِحٍ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَأَنْ يَجْلِسَ أَحَدُكُمْ عَلَى جَمْرَةٍ فَتُحْرَقَ ثِيَابُهُ حَتَّى تَخْلُصَ إِلَى جِلْدِهِ خَيْرٌ لَهُ مِنْ أَنْ يَجْلِسَ عَلَى قَبْرِ».

تخريج: أخرجه مسلم، الجنايز، باب النهي عن الجلوس على القبر والصلاة عليه، ح: ٩٧١ من حديث سهيل بن أبي صالح به.

3229. It was narrated that Busr bin ‘Ubaidullāh said: “I heard Wāthilah bin Al-Asqa’ say: ‘I heard Abū Marthad Al-Ghanawī say: The Messenger of Allāh ﷺ said: Do not sit on graves and do not perform *Ṣalāt* facing them.’” (*Ṣaḥīḥ*)

٣٢٢٩ - حَدَّثَنَا إِبْرَاهِيمُ بْنُ مُوسَى الرَّازِيُّ: أَخْبَرَنَا عِيسَى: أَخْبَرَنَا عَبْدُ الرَّحْمَنِ يَعْنِي ابْنَ يَزِيدَ بْنِ جَابِرٍ، عَنْ ثُسَيْرِ بْنِ عُبَيْدِ اللَّهِ قَالَ: سَمِعْتُ وَائِلَةَ بْنَ الْأَسْقَعِ يَقُولُ: سَمِعْتُ أَبَا مَرْثَدَ الْغَنَوِيِّ يَقُولُ: قَالَ رَسُولُ اللَّهِ ﷺ: «لَا تَجْلِسُوا عَلَى الْقُبُورِ وَلَا تُصَلُّوا إِلَيْهَا».

تخريج: أخرجه مسلم، ح: ٩٧٢ من حديث عبدالرحمن بن يزيد بن جابر به. انظر الحديث السابق.

Comments:

It is unlawful to perform *Ṣalāt* either facing the grave or inside the graveyard. There is, however, an exception, as we have seen before, in the case of the funeral prayer which has no bowing and no prostration.

Chapter 72, 74. Walking Between Graves While Wearing Shoes

(المعجم ٧٢، ٧٤) - بَابُ الْمَشْيِ بَيْنَ الْقُبُورِ فِي النَّعْلِ (التحفة ٧٨)

3230. It was narrated from Bashīr,

٣٢٣٠ - حَدَّثَنَا سُهَيْلُ بْنُ بَكَّارٍ: حَدَّثَنَا

the freed slave of the Messenger of Allāh ﷺ his name during *Jāhiliyyah* was Zahm bin Ma'bad, and he emigrated to join the Messenger of Allāh ﷺ who said: "What is your name?" He said: "Zahm." He said: "No, you are Bashīr." He said: "While I was walking with the Messenger of Allāh ﷺ, he passed by the graves of some idolaters. He said: 'These people missed out on great goodness' three times. Then he passed by the graves of some Muslims and said: 'These people attained great goodness.' Then the Messenger of Allāh ﷺ saw a man who was walking among the graves wearing shoes. He said: 'O you with the shoes (*Sibtīyyatāin*)^[1], woe to you! Take off your shoes.' The man looked, and when he recognized the Messenger of Allāh ﷺ, he took off the shoes and threw them away." (*Ṣaḥīḥ*)

تخریج: [إسناده صحيح] أخرجه ابن ماجه، الجنائز، باب ما جاء في خلع النعلين في المقابر، ح: ١٥٦٨ والنسائي، ح: ٢٥٥٠ من حديث الأسود بن شيبان به ووصحه ابن حبان، ح: ٧٩٠ والحاكم: ٣٧٣/١ ووافقه الذهبي.

Comments:

As proven from this *Ḥadīth*, it is better for anyone walking among the graves to take off his shoes. There must be separate graveyards for Muslims and non-Muslims.

3231. It was narrated from Anas that the Prophet ﷺ said: "When a person is placed in his grave and his companions depart from him, he hears the sound of their shoes." (*Ṣaḥīḥ*)

الْأَسْوَدُ بْنُ شَيْبَانَ عَنْ خَالِدِ بْنِ سَمِيرٍ السَّدُوسِيِّ، عَنْ بَشِيرِ بْنِ نَهْيكٍ، عَنْ بَشِيرِ مَوْلَى رَسُولِ اللَّهِ ﷺ وَكَانَ اسْمُهُ فِي الْجَاهِلِيَّةِ: زَحَمَ بْنِ مَعْبَدٍ، فَهَاجَرَ إِلَى رَسُولِ اللَّهِ ﷺ، فَقَالَ: «مَا اسْمُكَ؟» فَقَالَ: زَحَمٌ، قَالَ: «بَلْ أَنْتَ بَشِيرٌ» قَالَ: بَيْنَمَا أَنَا أُمَاشِي رَسُولَ اللَّهِ ﷺ مَرَّ بِقُبُورِ الْمُشْرِكِينَ فَقَالَ: «لَقَدْ سَبَقَ هَؤُلَاءِ خَيْرًا كَثِيرًا» ثَلَاثًا، ثُمَّ مَرَّ بِقُبُورِ الْمُسْلِمِينَ فَقَالَ: «لَقَدْ أَذْرَكَ هَؤُلَاءِ خَيْرًا كَثِيرًا»، ثُمَّ حَانَتْ مِنْ رَسُولِ اللَّهِ ﷺ نَظْرَةٌ فَإِذَا رَجُلٌ يَمْشِي فِي الْقُبُورِ عَلَيْهِ نَعْلَانِ، فَقَالَ: «يَا صَاحِبَ السَّبْتَيْنِ! وَيْحَكَ أَلْقِ سَبْتَيْكَ»، فَنَظَرَ الرَّجُلُ، فَلَمَّا عَرَفَ رَسُولَ اللَّهِ ﷺ خَلَعَهُمَا فَرَمَى بِهِمَا.

٣٢٣١ - حَدَّثَنَا مُحَمَّدُ بْنُ سَلِيمَانَ

الْأَنْبَارِيُّ: حَدَّثَنَا عَبْدُ الْوَهَّابِ يُعْنِي ابْنَ عَطَاءٍ عَنْ سَعِيدٍ، عَنْ قَتَادَةَ، عَنْ أَنَسٍ عَنِ النَّبِيِّ ﷺ أَنَّهُ قَالَ: «إِنَّ الْعَبْدَ إِذَا وُضِعَ فِي قَبْرِهِ وَتَوَلَّى عَنْهُ أَصْحَابُهُ إِنَّهُ لَيَسْمَعُ قَرَعَ نِعَالِهِمْ».

^[1] They say the meaning here is two hairless sandals. See *An-Nasā'ī* no. 1483, and no. 2050.

تخریج: أخرجه مسلم، الجنة ونعيمها، باب عرض مقعد الميت من الجنة والنار عليه ... إلخ، ح: ۲۸۷۰ من حديث عبد الوهاب بن عطاء، والبخاري، الجنائز، باب الميت يسمع خفق النعال، ح: ۱۳۳۸ من حديث سعيد بن أبي عروبة به.

Chapter 73, 75. Moving The Deceased From His Burial Site Because Of Something That Happened

3232. It was narrated that Jābir said: “A man was buried with my father, but six months later I needed to exhumate him for some reason. I took him out, and I did not see any change in him apart from a few hairs in his beard that were in contact with the ground.” (*Ṣaḥīḥ*)

(المعجم ۷۳، ۷۵) **بَابُ: فِي تَحْوِيلِ الْمَيِّتِ مِنْ مَوْضِعِهِ لِلْأَمْرِ يَحْدُثُ**
(التحفة ۷۹)

۳۲۳۲ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ: حَدَّثَنَا حَمَادُ بْنُ زَيْدٍ عَنْ سَعِيدِ بْنِ زَيْدٍ أَبِي مَسْلَمَةَ، عَنْ أَبِي نَضْرَةَ، عَنْ جَابِرٍ قَالَ: دُفِنَ مَعَ أَبِي رَجُلٍ فَكَانَ فِي نَفْسِي مِنْ ذَلِكَ حَاجَةٌ فَأَخْرَجْتُهُ بَعْدَ سِتَّةِ أَشْهُرٍ فَمَا أَتَكَرَّتْ مِنْهُ شَيْئًا إِلَّا شُعَيْرَاتٍ كُنَّ فِي لِحْيَتِهِ مِمَّا يَلِي الْأَرْضَ.

تخریج: [إسناده صحيح] أخرجه البيهقي: ۵۸/۴ من حديث أبي داود به.

Comments:

In case there is a valid reason, the deceased can be transferred from one grave to another.

Chapter 74, 76. Praising The Deceased

3233. It was narrated that Abū Hurairah said: “A funeral passed by the Messenger of Allāh ﷺ and they spoke well (of the deceased). He said: “(Paradise is) guaranteed for him.’ Then another funeral passed by and they spoke ill (of the deceased). He said: ‘(Hell is) guaranteed for him.’ Then he said: “Some of you are witnesses over others.” (*Ḥasan*)

(المعجم ۷۴، ۷۶) **بَابُ: فِي الثَّنَاءِ عَلَى الْمَيِّتِ**
(التحفة ۸۰)

۳۲۳۳ - حَدَّثَنَا حَفْصُ بْنُ عُمَرَ: حَدَّثَنَا شُعْبَةُ عَنْ إِبْرَاهِيمَ بْنِ عَامِرٍ، عَنْ عَامِرِ بْنِ سَعْدٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: مَرُّوا عَلَى رَسُولِ اللَّهِ ﷺ بِجَنَازَةٍ فَأَثْنُوا عَلَيْهَا خَيْرًا، فَقَالَ: «وَجَبَتْ»، ثُمَّ مَرُّوا بِأُخْرَى فَأَثْنُوا شَرًّا، فَقَالَ: «وَجَبَتْ»، ثُمَّ قَالَ: «إِنَّ بَعْضَكُمْ عَلَى بَعْضٍ شَهِيدٌ».

تخریج: [إسناده حسن] أخرجه النسائي، الجنائز، باب الثناء، ح: ۱۹۳۵ من حديث شعبة

Chapter 75, 77. Visiting Graves

(المعجم ٧٥، ٧٧) بَابُ: فِي زِيَارَةِ

الْقُبُورِ (التحفة ٨١)

3234. It was narrated that Abū Hurairah said: "The Messenger of Allāh ﷺ came to the grave of his mother and wept, and those who were around him also wept. Then the Messenger of Allāh (ﷺ) said: 'I asked my Lord, Exalted is He, for permission to pray for forgiveness for her, but He did not give me permission. Then I asked for permission to visit her grave, and He gave me permission. So visit graves, for they remind one of death.'" (*Ṣaḥīḥ*)

٣٢٣٤ - حَدَّثَنَا مُحَمَّدُ بْنُ سَلِيمَانَ الْأَنْبَارِيُّ: حَدَّثَنَا مُحَمَّدُ بْنُ عُبَيْدٍ عَنْ يَزِيدَ بْنِ كَيْسَانَ، عَنْ أَبِي حَازِمٍ، عَنْ أَبِي هُرَيْرَةَ قَالَ: أَتَى رَسُولُ اللَّهِ ﷺ قَبْرَ أُمِّهِ فَبَكَى وَأَبَكَى مِنْ حَوْلِهِ، فَقَالَ رَسُولُ اللَّهِ ﷺ: «اسْتَأْذَنْتُ رَبِّي تَعَالَى عَلَى أَنْ أَسْتَغْفِرَ لَهَا، فَلَمْ يُؤْذَنْ لِي فَاسْتَأْذَنْتُ أَنْ أَزُورَ قَبْرَهَا، فَأَذِنَ لِي، فَزُورُوا الْقُبُورَ فَإِنَّهَا تُذَكِّرُ بِالْمَوْتِ».

تخریج: أخرجه مسلم، الجنائز، باب استئذان النبي ﷺ ربه عزوجل في زيارة قبر أمه،

Comments:

A visit to the graves makes man remember the transient nature of the world and of the certainty of the Hereafter, and it also imparts tenderness to the heart.

ح: ٩٧٦ من حديث محمد بن عبيد به.

3235. It was narrated from Ibn Buraidah that his father said: "The Messenger of Allāh ﷺ said: 'I forbade you from visiting graves, but now visit them, for in visiting them there is a reminder.'" (*Ṣaḥīḥ*)

٣٢٣٥ - حَدَّثَنَا أَحْمَدُ بْنُ يُونُسَ: حَدَّثَنَا مُعَرِّفُ بْنُ وَاصِلٍ عَنْ مُحَارِبِ بْنِ دِثَارٍ، عَنْ ابْنِ بُرَيْدَةَ، عَنْ أَبِيهِ قَالَ: قَالَ رَسُولُ اللَّهِ ﷺ: «تَهَيْتُكُمْ عَنْ زِيَارَةِ الْقُبُورِ فَزُورُوهَا فَإِنَّ فِي زِيَارَتِهَا تَذَكْرَةً».

تخریج: أخرجه مسلم، ح: ٩٧٧ من حديث محارب بن دثار به، انظر الحديث السابق.

Comments:

Visiting graves is a legitimate act proven in the *Sunnah*.

Chapter 76, 78. Women Visiting Graves

(المعجم ٧٦، ٧٨) بَابُ: فِي زِيَارَةِ

النِّسَاءِ الْقُبُورِ (التحفة ٨٢)

3236. It was narrated that Ibn 'Abbās said: "The Messenger of

٣٢٣٦ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا شُعْبَةُ عَنْ مُحَمَّدِ بْنِ جُحَادَةَ قَالَ: سَمِعْتُ أَبَا

Allāh ﷻ cursed women who visit graves and those who set up *Masjids* and lamps over them.” (Da‘īf)

صَالِحٌ يُحَدِّثُ عَنْ ابْنِ عَبَّاسٍ قَالَ: لَعَنَ رَسُولُ اللَّهِ ﷺ زَاوِرَاتِ الْقُبُورِ وَالْمُتَخَلِّينَ عَلَيْهَا الْمَسَاجِدَ وَالشُّرُجَ.

تخريج: [إسناده ضعيف] أخرجه الترمذي، الصلاة، باب ما جاء في كراهية أن يتخذ على القبر مسجدًا، ح: ٣٢٠ وابن ماجه، ح: ١٥٧٥ والنسائي، ح: ٢٠٤٥ من حديث محمد بن جحادة به وقال الترمذي: "حسن" * أبو صالح مولى أم هانئ: ضعيف مدلس وحدث به بعد ما كبر.

Comments:

There is no restriction on women visiting the graves provided they abide by the code of Islamic dress and conduct, as can be deduced from the aforesaid *Aḥādīth* that give blanket permission to Muslims to visit the graves. However, if women violate the Islamic morals, make loud lamentations, prostrate themselves before the graves or hoist lamps over them, they invite the curse of Allāh. All such activities must be avoided, and those women who persist in such activities are not allowed to visit the graves.

Chapter 77, 79. What To Say When Passing Graves

(المعجم ٧٧، ٧٩) - بَابُ مَا يَقُولُ إِذَا مَرَّ

بِالْقُبُورِ (التحفة ٨٣)

3237. It was narrated from Abū Hurairah that the Messenger of Allāh ﷺ went out to the graveyard and said: “*As-salāmu ‘alaikum dāra qawmin mu’minīna wa innā in-shā’-Allāh bikum lāhiqūn* (Peace be upon you, abode of believing people, and we shall join you if Allāh wills.)” (*Ṣaḥīḥ*)

٣٢٣٧ - حَدَّثَنَا الْقَعْنَبِيُّ عَنْ مَالِكٍ، عَنْ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ، عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ ﷺ خَرَجَ إِلَى الْمَقْبَرَةِ فَقَالَ: «السَّلَامُ عَلَيْكُمْ دَارَ قَوْمٍ مُؤْمِنِينَ وَإِنَّا إِنْ شَاءَ اللَّهُ بِكُمْ لَاحِقُونَ».

تخريج: أخرجه مسلم، الطهارة، باب استحباب إطالة الغرة والتججيل في الوضوء، ح: ٢٤٩ من حديث مالك به وهو في الموطأ (يحيى): ٣٠-٢٨/١.

Chapter 78, 80. What Should Be Done With The *Muḥrim* If He Dies?

(المعجم ٧٨، ٨٠) بَابُ: كَيْفَ يُصْنَعُ

بِالْمُحْرَمِ إِذَا مَاتَ؟ (التحفة ٨٤)

3238. It was narrated from ‘Amr bin Dīnār, from Sa‘eed bin Jubair, from Ibn ‘Abbās who said: “A man’s she-camel had thrown him, and his neck was broken, and he

٣٢٣٨ - حَدَّثَنَا مُحَمَّدُ بْنُ كَثِيرٍ: أَخْبَرَنَا سُفْيَانُ: حَدَّثَنِي عَمْرُو بْنُ دِينَارٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: أَتَى النَّبِيَّ ﷺ

died while he was in *Ihrām*; he was brought to the Prophet ﷺ. He said: 'Shroud him in his two garments and wash him with water and lote leaves, but do not cover his head, for Allāh will raise him on the Day of Resurrection reciting the *Talbiyah*.'" (*Ṣaḥīḥ*)

Abū Dāwud said: I heard Ahmad bin Ḥanbal say: "There are five *Sunnahs* in this *Hadīth*: 'Shroud him in his two garments,' meaning, the deceased should be shrouded in two cloths; 'wash him with water and lote leaves,' meaning, there should be lote leaves in every washing; 'do not cover his head and do not bring any perfume near him.' And the shroud is from his own wealth.

بِرَجُلٍ وَقَصَّتْهُ رَاحِلَتُهُ فَمَاتَ وَهُوَ مُحْرِمٌ، فَقَالَ: «كَفَّنُوهُ فِي ثَوْبَيْهِ وَاغْسِلُوهُ بِمَاءٍ وَسِدْرٍ وَلَا تُحْمَرُوا رَأْسَهُ فَإِنَّ اللَّهَ يَبْعَثُهُ يَوْمَ الْقِيَامَةِ يُلَبِّي».

قَالَ أَبُو دَاوُدَ: سَمِعْتُ أَحْمَدَ بْنَ حَنْبَلٍ يَقُولُ: فِي هَذَا الْحَدِيثِ خَمْسُ سُنَنِ: «كَفَّنُوهُ فِي ثَوْبَيْهِ» أَيْ يُكْفَنُ الْمَيِّتُ فِي ثَوْبَيْنِ، «وَاغْسِلُوهُ بِمَاءٍ وَسِدْرٍ» أَيْ أَنَّ فِي الْعَسَلَاتِ كُلِّهَا سِدْرًا، «وَلَا تُحْمَرُوا رَأْسَهُ، وَلَا تُقَرَّبُوهُ طَبِيبًا»، وَكَانَ الْكَفْنُ مِنْ جَمِيعِ الْمَالِ.

تخريج: أخرجه مسلم، الحج، باب ما يفعل بالمحرم إذا مات، ح: ١٢٠٦ من حديث سفيان، والبخاري، الجنائز، باب: كيف يكفن المحرم؟ ح: ١٢٦٧ من حديث عمرو بن دينار به.

3239. It was narrated from 'Amr and Ayyūb, from Sa'eed bin Jubair, from Ibn 'Abbās, similarly (as in no. 3238). He said: "And shroud him in two garments." (*Ṣaḥīḥ*)

Abū Dāwud said: Sulaimān (one of the narrators) said: "Ayyūb said: 'His two garments.'" 'Amr said: 'Two garments.'" Ibn 'Ubaid said: "Ayyūb said: 'In two garments.'" 'Amr said: 'In his two garments.'" Sulaimān alone added: "And do not put any perfume on him."

٣٢٣٩ - حَدَّثَنَا سُلَيْمَانُ بْنُ حَرْبٍ وَمُحَمَّدُ ابْنُ عُيَيْدٍ الْمَعْنَى قَالَا: حَدَّثَنَا حَمَادٌ عَنْ عَمْرِوٍ وَأَيُّوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ نَحْوَهُ قَالَ: «وَكَفَّنُوهُ فِي ثَوْبَيْنِ».

قَالَ أَبُو دَاوُدَ: قَالَ سُلَيْمَانُ: قَالَ أَيُّوبُ: ثَوْبَيْهِ، وَقَالَ عَمْرُو: «ثَوْبَيْنِ»، وَقَالَ ابْنُ عُيَيْدٍ: قَالَ أَيُّوبُ: «فِي ثَوْبَيْنِ»، وَقَالَ عَمْرُو: «فِي ثَوْبَيْهِ». زَادَ سُلَيْمَانُ وَحْدَهُ: «وَلَا تُحْنِطُوهُ».

تخريج: أخرجه البخاري، جزاء الصيد، باب المحرم يموت بعرفة ... إلخ، ح: ١٨٤٩ عن سليمان بن حرب، ومسلم، الحج، باب ما يفعل بالمحرم إذا مات، ح: ١٢٠٦ من حديث حماد ابن زيد به.

3240. (Another chain) from Ayyūb, from Sa‘eed bin Jubair, from Ibn ‘Abbās, with similar to the meaning narrated by Sulaimān (no. 3239): “In two garments.” (*Ṣaḥīḥ*)

٣٢٤٠ - حَدَّثَنَا مُسَدَّدٌ: حَدَّثَنَا حَمَّادٌ عَنْ أُيُوبَ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ نَحْوَهُ بِمَعْنَى سُلَيْمَانَ «فِي ثَوْبَيْنِ».

تخريج: [صحيح] انظر الحديثين السابقين.

3241. It was reported from Al-Ḥakam, from Sa‘eed bin Jubair, from Ibn ‘Abbās who said: “A man in *Ihrām* was thrown by his she-camel and was killed. He was brought to the Messenger of Allāh ﷺ, and he said: ‘Wash him and shroud him, but do not cover his head, nor bring any perfume near him, for he will be raised reciting the *Talbiyah*.’”

٣٢٤١ - حَدَّثَنَا عُثْمَانُ بْنُ أَبِي شَيْبَةَ: حَدَّثَنَا جَرِيرٌ عَنْ مَنصُورٍ، عَنْ الْحَكَمِ، عَنْ سَعِيدِ بْنِ جُبَيْرٍ، عَنْ ابْنِ عَبَّاسٍ قَالَ: وَقَصْتُ بِرَجُلٍ مُحْرِمٍ نَاقَتُهُ فَفَتَلَتْهُ، فَأَتَانِي بِهِ رَسُولُ اللَّهِ ﷺ فَقَالَ: «اغْسِلُوهُ وَكَفِّنُوهُ وَلَا تَغَطُّوا رَأْسَهُ وَلَا تُقَرِّبُوهُ طِيِّبًا فَإِنَّهُ يُبْعَثُ يُهْلُ».

تخريج: أخرجه البخاري، جزاء الصيد، باب ما ينهى من الطيب للمحرم والمحرمه، ح: ١٨٣٩ من حديث جرير به وانظر، ح: ٣٢٣٨.

Comments:

It is a good sign for Muslim to die in a state of *Ihrām* since his good deed shall perpetuate until the Day of Resurrection.

The End of The Book of Funerals

